SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 2, 2005

8:30 A.M.

(PAGES 298 THROUGH 336)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

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Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index.
Mr. Auchincloss is listed as "A" on index.
Mr. Franklin is listed as "F" on index.
Mr. Mesereau is listed as "M" on index.
Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index.
Mr. Oxman is listed as "O" on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KITE, Ann Marie (cont'd)	306-A			

E X H I B I T S

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403	February 2003 e-mails - page 17, Marc Schaffel's Fire Brewing file from Kite to Konitzer	331	

Santa Maria, California
Wednesday, March 2, 2005
8:30 a.m.

THE COURT: Good morning.
COUNSEL AT COUNSEL TABLE: (In unison) Good morning, Your Honor. Good morning, Your Honor.
THE JURY: (In unison) Good morning.
THE COURT: Sorry we kept you waiting a short time this morning. This is going to occur -- is the mike -- can you hear me? Is that better?
A VOICE: Can't hear you.
THE COURT: Should be on now. They can't hear. What I'm going to do --
Would the witness step down for a moment, please?
Can you hear me now?
THE JURY: (In unison) Yes.
THE COURT: I sound like one of those commercials for the cell phone; "Can you hear me now?"
I want to talk to you a little bit about the reason we were late this morning. We were -- we really weren't late. The attorneys and I were working on a legal problem that arose at the end of the day yesterday.
And that's the nature of a lawsuit. It's a work in progress. And it's not all determined

before you get here, and then it just happens. It happens in front of you. And so there's a couple of things that I want to tell you. And I think perhaps the best thing to do is to talk to you about the co-conspirator statements. And the best way to talk to you about that is to read the law to you, as you will hear again at the end of the case.

Evidence of a statement made by one alleged conspirator other than at this trial shall not be considered by you as against another alleged conspirator unless you determine, by a preponderance of the evidence; one, that from other independent evidence that at the time the statement was made, a conspiracy to commit a crime existed.

Two, that the statement was made while the person making the statement was participating in the conspiracy, and that the person against whom it was offered was participating in the conspiracy before and during that time.

And three, that the statement was made in furtherance of the objective of the conspiracy. The word "statement" as used in this instruction includes any oral or written, verbal expression or nonverbal conduct that a person -- intended by that person as a substitute for an oral, written, verbal expression.

So what is going to happen in this trial is that certain statements are going to come in. And

you will later not be able to consider those statements unless you determine, in accordance with this instruction, that there was a conspiracy and that those statements were in the furtherance of an objective of the conspiracy. But the law allows the parties to present statements before and after they think the conspiracy is proved or disproved. So it would be very difficult to handle the case in another way. So you're going to hear statements and later determine your use, as a jury, of those statements in accordance with the law.

So I'm going to conditionally admit some statements this morning and the condition is that you will later determine how you're going to use those statements.

Along those same lines, during the course of the trial, the attorneys make objections. I rule on those objections, and I'm following rules of evidence.

Quite often it's not necessary that you know why I make a ruling. If I sustain an objection, you just -- you reject the question. You don't consider the answer, if part of it came in or all of it. If I overrule an objection, that doesn't mean that I'm favoring that evidence. All I'm saying is that side has the right to give you that evidence for you to consider, and it has nothing to do with my feelings about it. Okay?

In that regard, yesterday, the witness, who just stepped down, her name --

MR. SNEDDON: Miss Gabriel.

MR. AUCHINCLOSS: Gabriel Kite.

THE COURT: Ms. Kite, Miss Gabriel, said -- the question was asked, "And did you go to work for Michael Jackson?" And the answer was, "Yes, I did."

Earlier, the question had been asked, "At some time did Mr. LeGrand ask to employ you and come to work for Michael Jackson?" And there was an objection as hearsay.

Well, I overruled that objection, and the reason I did is that the -- at that point in the proceeding, it is my opinion that wasn't offered for the truth of the matter; i.e., that she worked for Michael Jackson. It was offered only to show you why she came to work and what she thought she was doing. So it wasn't the truth of the matter, that she worked for Mr. Jackson. That, in fact, you will have to determine whether or not she did. I don't know the answer to that. That will be your decision. But each side will present evidence on that.

So as to yesterday, the question, "At some time did Mr. LeGrand ask to employ you to come to work for Michael Jackson?" She said, "Yes, he did." The instruction I'm giving you is that's to be considered only -- at this point only to show what

she thought she was doing. Not for the truth of the matter that she was working for Michael Jackson. Okay?

Very complicated. But I'll continue to instruct you, as needed, to help you with this. Very difficult area of dealing with statements and conspiracies. Okay?

You may resume the witness stand.

MR. AUCHINCLOSS: Thank you, Your Honor.

THE COURT: When you take the witness stand, I'll remind you that you are still under oath.

ANN MARIE KITE

Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. AUCHINCLOSS:

Q. Good morning, Ms. Kite.

A. Good morning.

Q. Yesterday, when we left off, we were talking a little bit about your history, the chronology of events in your employment. And let me revisit the question of who you believed you were working for.

First of all, who was it that actually hired you for this work that you did for Michael Jackson?

A. Who asked me to come to work for Michael Jackson?

Q. Yes.
A. David LeGrand.
Q. Okay. And when did you -- was there a period of time in which you discussed with Mr. LeGrand working for Michael Jackson?
A. Yes --
Q. Prior to your employment, actual employment?
A. Yes, there was.
Q. And when was that -- when did that discussion begin?
A. About the 27th of January.
Q. Okay. Were there further discussions -- when were you actually hired?
A. On the 9th of February, Mr. LeGrand sent me an e-mail along with other people that were working on the MJJ working group that said, "Welcome to the team."
Q. Okay. And between that period of time when you began discussions with Mr. LeGrand and the time that you actually became a member of the team, did you continue to have discussions with Mr. LeGrand about the issues involved in being a PR person for Michael Jackson?
A. Yes, I did.
Q. Were you paid for your employment?
A. Yes, I was.
Q. How much?
A. $10,000.

Q. Was that payment in advance or arrears of your employment?
A. Well, it was supposed to be $20,000 for the month. When I signed the contract on the 14th of February, David gave me a $10,000 check, so that was an advance.
Q. So you began your work on the 9th?
A. Yes.
Q. You signed your contract on the 14th?
A. Yes.
Q. What time did you sign that contract?
A. Late in the afternoon. It was between three and four o'clock.
Q. And where did that take place, the signing?
A. At Mr. LeGrand's law office.
Q. And where is that?
A. In Las Vegas.
Q. Okay. As far as your background as a public relations person, what do you consider to be your greatest assets in that field?
A. I believe it's crisis management. Being able to see a problem, and determine what needs -- steps can be taken to correct it.
Q. Are there any contacts or other qualities that you possess that enable you to conduct that type of work?
MR. MESEREAU: Objection; vague.
MR. AUCHINCLOSS: Well, I can be a little

more specific.
Q. What is it that enables you to conduct crisis management in terms of any abilities, any -- well, let me just leave it open. Let me leave it open-ended. What do you do -- how do you go about conducting crisis management work?
A. Well, other than being neurotic, which comes in very handy, I think I have a very good grasp of the media as a whole. Internet, television, radio, newspaper. And an innate ability to be able to size up the client or the product that I'm representing, find out where their assets are, the best aspects that they have to represent themselves to the public, or the product, and to be able to move them forward from there.

But regardless of if it's a crisis management client or if it's just a client that you're trying to do public relations for, I think probably my greatest asset is being able to see the total product or the total person, and to explore other avenues of being able to bring them to fruition.

Q. Do you have a philosophy about how to approach crisis management?
A. Absolutely.
Q. What is that?
A. Very proactive.
Q. And what do you mean by "proactive"?

A. Being out in front of the media, having a crisis plan just in case something happens. A lot of times when people begin to promote themselves or to promote a product, they like to think of the good -- the upside, the good things that can come out of promoting themselves or their product, and they don't like to analyze the bad things that might happen.

I have an ability to be able to do both before I start with the client, so that they can be comfortable and not panic if something happens. I want them to know that I've been able to thoroughly research both the ups and downs of everything they do and that, you know, I can cover them on either side.

Q. Is it important to confront the bad things?

A. Absolutely.

Q. Why do you believe that?

A. Because if you don't confront it, somebody else is going to confront it for you, and then you're going to be caught in a downward spiral.

Q. All right. When you were first in discussions with Mr. LeGrand in late January, what did you perceive to be Michael Jackson's status issues, what have you, regarding public relations?

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: When you began

discussions with Mr. LeGrand concerning working with Michael Jackson or working on his behalf, did you do some research into news media, Mr. Jackson's background, anything of that nature, to better understand the public relations issues involving Mr. Jackson?

A. Yes.

Q. And based on that research, were you able to form an opinion as to what PR issues needed to be addressed or should be addressed if you were called to become an employee?

A. Yes, I was.

MR. MESEREAU: Objection; foundation.

MR. AUCHINCLOSS: Your Honor, she is testifying in some capacity as an expert witness in this area.

THE COURT: The objection is overruled.

MR. AUCHINCLOSS: All right.

THE WITNESS: Yes, I was.

Q. BY MR. AUCHINCLOSS: All right. How did you evaluate Mr. Jackson from a PR point of view at that point, late in January?

A. What was my evaluation and recommendation, is that the question?

Q. Yes.

A. I believed that there was too much negative exposure on Mr. Jackson's actions, and not enough exposure on his strength as a musician. And so I

told Mr. LeGrand that I felt immediately the focus needed to be taken off of him as a person, as a man, and the things that the public may or may not like about him, and put back on all of the years of wonderful music that he had given to the public.

Q. Okay. And sometime between the time when you were recruited and the time that you actually became an employee, did something occur that changed your perspective as to what the necessary issues were dealing with PR?

A. Yes.

MR. MESEREAU: Objection, Your Honor. May I 402 the witness on her credentials, the basis for her opinion?

THE COURT: No.

Go ahead.

THE WITNESS: Can you repeat the question?

Q. BY MR. AUCHINCLOSS: The question was, between late January and the time that you were actually hired, I believe you said it was the 9th of February, did something happen that changed your perception of Mr. Jackson from a public relations standpoint?

A. Yes.

Q. What was that?

A. The Martin Bashir documentary.

Q. All right. What -- how did that -- the Martin Bashir documentary present itself as an issue

for you, from a public relations standpoint?
A. As an absolute disaster.
Q. Why do you say that?
A. I felt that the documentary was put together in a way that portrayed Mr. Jackson in an extremely negative light.
Q. Were there particular issues with that documentary that you believed presented problems for Mr. Jackson from a PR point of view?
A. Yes, there were.
MR. MESEREAU: Objection. Foundation; relevance; 352.
THE COURT: Overruled.
You may answer.
Q. BY MR. AUCHINCLOSS: What were those issues?
A. I believed that Mr. Jackson was portrayed in a very negative light in his actions as far as the shopping spree, as far as climbing the tree, as far as statements made portraying himself as Peter Pan, and the interaction that he had with the person that was on the video.
Q. The young boy?
A. Yes.
Q. And how did -- did you monitor the international media during this period of time?
A. Yes, I did.
Q. Is that part of your job?
A. Yes, it is.

Q. And what was the reaction of the international media at this point?
A. Well, there was an immediate reaction, and they jumped on exactly what I believed that they would, which was to --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: The question was, "What was the reaction." And I'll sustain the objection.
MR. AUCHINCLOSS: All right. I'll reask the question.
Q. In terms of the reaction of the international media, how did you evaluate in your role as a public relations person?
A. That it was extremely negative.
Q. All right. Was there any positive media?
A. Not to my knowledge.
Q. Okay. You have -- have you ever been asked to characterize or measure this crisis on a scale of 1 to 10?
A. Yes, I have.
Q. And how did you characterize it?
A. A 25 --
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
THE WITNESS: A 25.
Q. BY MR. AUCHINCLOSS: So you perceived this to be a big problem?
A. Absolutely.

Q. Did you formulate a plan to deal with this problem?
A. Yes, I did.
Q. Did you work with other people in formulating this plan?
A. Somewhat, yes.
Q. Okay. Were they other members of the team?
A. Yes.
Q. Okay. Specifically, who?
A. Specifically Melanie Riley from Bell Yard.
Q. And tell me a little bit more about Bell Yard, if you would.
A. Bell Yard is a crisis management public relations firm in the United Kingdom.
Q. Are they a small firm, large firm, medium?
A. I don't know.
Q. And was there just Melanie that you dealt with from Bell Yard, or other people as well?
A. I believe Richard was the other gentleman that I dealt with from Bell Yard.
Q. Do you know their last names?
A. Melanie is Riley. And I don't remember Richard's last name.
Q. Okay. So in the beginning, when you were formulating this plan, what was your -- what was your idea, what was your goal?
A. Well, my goal was to immediately speak with someone and assess all of the negative impacts from

the Bashir documentary, addressing each one. Because my fear was that while one media source might pick up on one thing, another media source would pick up on another thing, so there would be multiple angles coming at us.

And I felt and believed that unless we had a clear plan of attack to be able to address each one of these issues, we were not going to be as proactive on Mr. Jackson's behalf as we needed to be.

Q. Were there any other goals other than attacking the current media problem?

A. Yes. My goal was to begin an immediate rehabilitation on his image.

Q. So how did you plan to go about these goals?

A. Well, I needed to address, first of all, the negative items that were coming out in the press. And then once that was taken care of, I wanted to begin to do the rehabilitation on his image.

Q. So in terms of the nuts and bolts of public relations, how do you go about doing that?

A. How would I personally go about doing that?

Q. Yes.

A. I would write out a list of questions, decide how people wanted to respond or to react. I would look at what was potentially coming up in the media. Because you have to understand, with the media, they don't call you up politely and say,

"We're going to write a story about your client, and we'd love to give you an opportunity to respond and please tell us your side." They send you a very short e-mail or give you a call and say, "Look, this is what we're printing about your client, and I'm on a deadline, so if you don't get back to me, too bad." I mean, that's pretty much what it was.

And so I believed that we needed to immediately sit down and assess all of the negative things that could have come out of this documentary for Mr. Jackson, and decide how we wanted to respond so that we didn't get stuck in a downward spiral of people printing things because they didn't get a response quickly enough.

Q. Did Martin Bashir figure in in any way to your plan of attack?

A. Yes.

Q. In what way?

A. I wanted to look at the credibility of the other documentaries that he had done.

Q. Was Bell Yard in agreement with that?

A. Yes, they were.

Q. Generally speaking, was Bell Yard's approach to the problem of Mr. Jackson's PR consistent with your own?

A. Yes, it was.

Q. Did you participate in conference calls with Bell Yard with any of the members of the team?

A. Yes, I did.
Q. Which members?
A. I believe one or two times Mr. Geragos and Mr. Konitzer were on the calls. The other times it was mostly the team from the UK; Andrew Hochhauser, Hamish Porter, Peter and Janie Castle.
Q. Okay.
A. John Genga, too, also was on those phone calls. And then David LeGrand.
Q. What was Mr. Castle's and Genga's duties? Who were they?
A. They were other attorneys. I don't know specifically what their duties were, other than I believe they were involved in the litigation that was -- that Mr. Jackson had undertaken against Granada and ITV.
Q. So I believe yesterday you testified that one of the people you reported to was Marc Schaffel?
A. Yes, that's correct.
Q. Did you also report to Ronald Konitzer?
A. Yes, I did.
Q. And what about Mark Geragos?
A. Yes, I did.
Q. When did Mark Geragos become part of the team?
A. I believe it was around the 7th of February.
Q. Okay. During the time -- or the month of February, early February, did the problem of Mr.

Jackson's PR become exacerbated in any fashion?
A. Yes, it did.
Q. Specifically why?
A. Besides the documentary?
Q. Yes.
A. There was some information released about Mr. Jackson in the public that I felt also negatively impacted his image.
Q. Okay. What? What was it?
MR. MESEREAU: Objection. 352; foundation; and hearsay.
MR. AUCHINCLOSS: This is also offered to explain her conduct as well as the conduct of the team and the level of the crisis.
MR. MESEREAU: Your Honor, I would object. She's not qualified as an expert.
MR. AUCHINCLOSS: She's not offering an opinion at this point.
THE COURT: I'm not considering her testimony as expert testimony. She's a percipient witness as to what happened during this time period, and that's the only way that I'm considering her testimony. That's why I denied your 402 request, because she's just a percipient witness.
So -- and on your 352 objection, was that over a time -- I'm not sure -- which of the many specific areas were you objecting under 352?
MR. MESEREAU: Well, Your Honor, she worked

for less than two --
THE COURT: No, which of the legal subsections of 352 are you relying on --
MR. MESEREAU: All of them.
THE COURT: -- for your objection?
MR. MESEREAU: All of them.
THE COURT: All right. Overruled.
MR. AUCHINCLOSS: Okay.
Q. So I'll back up a little bit. You've said that there were additional problems that arose in the media. Did you have to perceive it as your duties to deal with these problems as a PR representative for Mr. Jackson?
A. Yes, I did.
Q. So these problems became your problems?
A. Absolutely. I felt it was my position to address anything that affected Mr. Jackson negatively.
Q. So what was coming out in the media at this point?
A. There were documents that were released on a website, thesmokinggun.com, that, in conjunction with the Bashir documentary, I felt was just absolutely beyond a disaster for Mr. Jackson.
Q. Okay. And what did those documents concern?
MR. MESEREAU: Objection. Hearsay; foundation; 352.
MR. AUCHINCLOSS: As reported in the media,

is the question.
MR. MESEREAU: Same objection, Your Honor.
THE COURT: I'll overrule the objection, but advise the jury, again, that this area is not being offered for the truth of the matter asserted; that whatever she's going to testify to that appeared on The Smoking Gun is being offered strictly to show why she took her next action.
Q. BY MR. AUCHINCLOSS: And I'm not asking you specifically what was written in those documents. I'm just asking in general terms, what was that document about?
A. It addressed another PR issue that Mr. Jackson had in 1993.
Q. What was that PR issue?
MR. MESEREAU: Objection.
MR. AUCHINCLOSS: That's my question.
MR. MESEREAU: 352; foundation; hearsay; no personal knowledge.
MR. AUCHINCLOSS: I believe she has personal knowledge --
THE COURT: I've already ruled on this. The objection is overruled. Go ahead.
Q. BY MR. AUCHINCLOSS: You may answer the question.
A. They involved Mr. Jackson having inappropriate actions with a young boy.
Q. Okay. The '93 case?

A. Yes.
Q. Okay. What else was there? What other problems, other than the '93 case, did you -- that came up? You said there were several.
A. Besides the documentary, the things that were contained in the documentary?
Q. Yes, uh-huh.
A. Well, the media then began to pick up on any number of things about Mr. Jackson. Pediatricians were weighing in about the way that he fed his baby on the documentary. There was just several -- they were attacking him personally from every angle.
Q. Okay. Were there any other news -- purported news programs that were coming?
A. Yes, there were.
Q. What was that?
A. NBC was doing a program about Mr. Jackson's purported plastic surgeries.
Q. Just that, or did that include other things?
A. Also included other things.
Q. Okay. Was that actually aired?
A. Yes, it was.
Q. Was that positive or negative for Mr. Jackson, in general terms?
A. In general, I felt it was very negative.
Q. What about members of the team specifically? Were there ever any members of the team that became problems or burdens in terms of the media and Mr.

Jackson's image?
A. Yes, there was.
Q. Who?
A. Mr. Schaffel.
Q. Marc Schaffel?
A. Marc Schaffel, yes.
Q. And why was he a problem?
MR. MESEREAU: Objection. 352; foundation; hearsay.
THE COURT: Vague; sustained.
Q. BY MR. AUCHINCLOSS: What was it specifically that was reported in the media? And I'm just asking you -- well, let me just say generally, why was Mr. Schaffel a problem in the media concerning Mr. Jackson?
MR. MESEREAU: Objection. Foundation; hearsay; vague; 352.
THE COURT: The objection's overruled.
THE WITNESS: Mr. Schaffel had a very negative image and I felt very strongly that that image might taint Mr. Jackson.
Q. BY MR. AUCHINCLOSS: All right. Who else had a problem?
A. With Mr. Schaffel?
Q. No. Was there any other member of the team that presented a problem for Mr. Jackson, I should say?
A. Not of the team per se. But there were --

there was someone else that Mr. Jackson's name was associated in the press that I felt would be a problem.

Q. Okay. Who else was that?

A. Mr. Malnik. Al Malnik.

Q. Okay. You say you were hired by Mr. Jackson. Have you ever met Mr. Jackson?

A. No, sir, I have not.

Q. And why did you believe that you were working for him?

A. Because David LeGrand told me that I was. And the contract that I signed said "MJJ Productions" on it.

Q. All right. And did you, in fact, work on Mr. Jackson's behalf?

A. Yes, sir, absolutely.

Q. Okay. Who did you understand was paying your $10,000 retainer?

A. Mr. Jackson.

Q. What proactive measures, if any, did you want to take to address these issues?

A. Well, I believed that immediately there should be a very strong on-camera statement from Mr. Jackson himself. I wanted to be able to explore the documentary that Mr. Bashir had created to see if there were any technical inconsistencies. I wanted to be able to use everything at my disposal to try to find a way to address the issues that

Mr. Jackson was experiencing and give the other side of the story.

Q. Have you ever heard of the organization called "Fire Mountain"?

A. Yes, I have.

Q. What is Fire Mountain?

A. Fire Mountain is a corporation --

MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Was there a film that was being prepared to help address the PR issues?

A. Yes, there was.

Q. Whose idea was that?

A. I don't know the answer to that --

Q. Okay.

A. -- specifically.

Q. But it wasn't your idea?

A. No, sir.

Q. Was there a member of the team that was preparing this film?

A. Yes.

Q. Who was that?

A. Mr. Schaffel.

Q. Do you know what the subject matter of this film was?

A. It was to be a rebuttal to Martin Bashir's documentary.

Q. Did you have any discussions with the team

concerning what network or what broadcast medium would be used to show this film?
A. Yes, I did.
Q. Do you know whether it was ultimately aired?
A. Yes, it was.
Q. On which network?
A. FOX.
Q. Do you know why FOX was chosen?
A. Yes, I do.
Q. Why is that?
A. Because they would give Mr. Schaffel an element of creative control.
Q. Were there any other networks that were bidding for it?
A. Yes, there was.
Q. Who?
A. NBC.
Q. Did you have any input into whether or not certain people would be included on this rebuttal film?
A. I had a discussion with Mr. Schaffel about the rebuttal film, yes.
Q. Did you provide him some -- your insights as to what should be presented?
A. He told me some things that he thought -- some people that he thought he was going to put on the film and asked me what I thought. And I told him --

MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: This is offered to explain conduct and -- actually, I can -- I can move on and get more to the point. So I'll withdraw the question and allow the striking of the answer.
THE COURT: I'll strike the answer. But she never got to say anything about what was said.
MR. AUCHINCLOSS: Very well.
THE COURT: Go ahead.
Q. BY MR. AUCHINCLOSS: Did you have -- did you have a discussion about Mr. Jackson's ex-wives with Mr. Schaffel?
A. Yes, I did.
Q. Did you have a suggestion for him about whether one of these -- one or both of these ex-wives should be presented on the rebuttal film?
A. Yes, I did.
MR. MESEREAU: Objection. 352; foundation.
THE COURT: The question calls for hearsay.
MR. AUCHINCLOSS: The question -- Your Honor, I haven't asked for a statement. I've just asked whether she had a discussion.
THE COURT: All right. I'll overrule the objection.
MR. AUCHINCLOSS: All right.
Q. Did you have a discussion with Mr. Schaffel about that?
A. Yes, I did.

Q. And did you make a suggestion?
A. Yes, I did.
Q. What did you suggest?
MR. MESEREAU: Objection. 352; foundation.
THE COURT: Calls for hearsay.
MR. MESEREAU: Hearsay.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did Mr. Schaffel ever make any comments to you concerning his influence over Debbie Rowe?
MR. MESEREAU: Objection. Leading; foundation; hearsay; 352.
MR. AUCHINCLOSS: I'll be happy to give you an offer of proof, Your Honor.
THE COURT: The leading is sustained.
Q. BY MR. AUCHINCLOSS: Ms. Kite --
(Laughter.)
THE COURT: Go ahead.
BAILIFF CORTEZ: Try it again?
THE COURT: Yes.
BAILIFF CORTEZ: It's back on, Judge.
THE COURT: All right. Go ahead.
Q. BY MR. AUCHINCLOSS: Did you have a discussion with Mr. Schaffel about proposed -- any proposed individuals that would appear on the rebuttal film?
MR. MESEREAU: Objection. Leading; foundation; hearsay; 352.

MR. AUCHINCLOSS: Hardly leading.
THE COURT: Objection is overruled.
THE WITNESS: Yes, I did.
Q. BY MR. AUCHINCLOSS: Okay. Who did you discuss?
A. Debbie Rowe.
Q. Okay. And did you have a feeling about whether or not, from a PR standpoint, she would be a good candidate for this rebuttal film?
MR. MESEREAU: Objection. Hearsay; foundation; 352; leading.
MR. AUCHINCLOSS: The question is, did she have a feeling.
MR. MESEREAU: Relevance; and vague.
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm sorry, you're going to have to ask again after all that.
THE COURT: I'll have the question read back.
(Record read.)
THE WITNESS: Yes, I did.
Q. BY MR. AUCHINCLOSS: What was that?
MR. MESEREAU: Objection. 352; relevance; foundation; hearsay.
THE COURT: Overruled.
THE WITNESS: I'm sorry.
THE COURT: I can have it read back.
THE WITNESS: Please.

(Record read.)
THE WITNESS: Yes, I did.
Q. BY MR. AUCHINCLOSS: And what was that feeling?
A. I didn't think she was the strongest candidate.
Q. And what was Mr. Schaffel's response?
MR. MESEREAU: Objection. Hearsay; 352.
MR. AUCHINCLOSS: This is offered in furtherance of the conspiracy.
MR. MESEREAU: Foundation.
THE COURT: All right. I'm taking the -- this testimony subject to the proving up of the conspiracy. I'll allow the question.
Q. BY MR. AUCHINCLOSS: What did Mr. Schaffel tell you?
A. He said that he could get Debbie Rowe to say whatever he wanted her to say.
Q. Thank you.
This notebook is coming apart, Your Honor. If I can have just a moment.
During the course of your work with the team, I believe you testified that you used the Internet to communicate through e-mails?
A. Yes, that's correct.
MR. AUCHINCLOSS: I previously provided counsel with copies of all these documents, Your Honor, that I'm going to be showing the witness.

And for the record, this is document number -- from original exhibits, Schaffel files, and appears to be a document itemized under 403, page 17. It appears to be a three-page e-mail from Ronald at High Tech America to Marc in L.A. dated 2-16-03.

THE COURT: Is it marked?

MR. MESEREAU: May we see that for a second, please? Thank you.

MR. AUCHINCLOSS: I provided you with copies.

(Off-the-record discussion held at counsel table.)

Q. BY MR. AUCHINCLOSS: All right.

THE COURT: Now, this is a formally marked exhibit?

MR. AUCHINCLOSS: It is, Your Honor.

THE COURT: 403 is the exhibit number?

MR. AUCHINCLOSS: It is the exhibit number. and it is beginning on page 17 of Exhibit No. 403.

Q. If you could take a moment and just look at page four -- or Exhibit No. 403, what I've identified, pages 17, 18, and 19.

MR. SANGER: Could we just have a moment?

MR. MESEREAU: Excuse me. We don't have the second page of that exhibit. Maybe we could --

MR. AUCHINCLOSS: It's in the packet I gave you.

MR. MESEREAU: It's in the back?
MR. AUCHINCLOSS: It's in the packet I gave you yesterday. Do you have that?
MR. MESEREAU: It's not in the binder. Is it somewhere else?
MR. AUCHINCLOSS: Yes.
MR. MESEREAU: It appears to say page one of two, but there's no page two.
MR. AUCHINCLOSS: Is it in --
MS. YU: The individual packet?
MR. AUCHINCLOSS: Yeah, it's in there.
(Off-the-record discussion held at counsel table.)
Q. BY MR. AUCHINCLOSS: Have you had a moment to look at that?
A. Yes.
Q. Can you identify that for me?
A. Yes.
MR. MESEREAU: I'm not blaming anybody. We don't seem to have page two of the exhibit.
MR. AUCHINCLOSS: I'm sorry. I'll take a moment and show counsel.
(Off-the-record discussion held at counsel table.)
Q. BY MR. AUCHINCLOSS: All right. Have you had a chance to look at that?
A. Yes, I have.
Q. Can you identify it for me?

A. Yes, it's an e-mail that I sent to Ronald Konitzer with --
Q. Okay. What was the date of the e-mail that you sent to Ronald Konitzer?
A. It was the 14th of February.
Q. And what was -- I'm not going to ask you to read it to the jury at this time. We're going to lay some additional foundation with this exhibit at a later time. But I'm going to ask you to tell me what was the substance of that e-mail, and what was your purpose in sending it. And let's start with, what was -- what was the concern you expressed in that e-mail?
A. I expressed great concern that there were many things that were preparing to break negatively against Mr. Jackson over the next 72 hours, which would have been between the 14th of February and the 17th. And I just did not understand why there wasn't anyone --
MR. MESEREAU: Objection. Narrative and nonresponsive.
THE COURT: Sustained as to the last sentence is stricken.
MR. AUCHINCLOSS: Okay.
Q. So I was asking you what your concerns were. What concerns specifically did you express in that e-mail?
A. That --

MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Your Honor, this is offered to show knowledge on behalf of the co-conspirators, the reasons for the part of the motive of this case, the nature of the crisis, and the action that were taken on behalf of this witness to alert --
MR. MESEREAU: Objection. That is a speaking objection, Your Honor.
MR. AUCHINCLOSS: Goes to the objection.
THE COURT: Are you offering this -- are you offering this to explain a response from the recipient of this e-mail?
MR. AUCHINCLOSS: I am offering it, Your Honor, to explain -- it's offered to explain the conduct as well as the information that was conveyed by this witness to the co-conspirators regarding the degree of the crisis that existed at that time.
Now, it is not being offered into evidence at this time, but I'm laying foundation for its offering that will provide additional foundation at a later date.
MR. MESEREAU: May I object, Your Honor?
MR. AUCHINCLOSS: Her purposes in sending this e-mail and the fact that she did send it to Mr. Konitzer and provided him with this information is relevant as to Mr. Konitzer's knowledge of the events.

MR. MESEREAU: I object on hearsay and foundation. And there's no evidence whatsoever Mr. Jackson's involved in any conspiracy.

MR. AUCHINCLOSS: That remains to be seen.

THE COURT: Any of the conspiracy evidence is being received subject to the proving up of the conspiracy, as I've indicated.

The Court will allow the question here with the admonition that the information that is being conveyed in the e-mail is not offered for the truth of the matter asserted, but to show that the recipient received this information. Or not that he received it; that it was sent to him.

MR. AUCHINCLOSS: All right.

THE COURT: Go ahead.

Q. BY MR. AUCHINCLOSS: So, back to my question. I'll rephrase it. Why don't we -- what was your purpose in sending this e-mail? Why don't I ask it that way.

A. To advise Mr. Konitzer that over the next 72 hours Mr. Jackson was going to face another barrage of extremely negative publicity, and it needed to be addressed immediately.

Q. Were the --

THE COURT: All right. Let's take our morning break.

MR. AUCHINCLOSS: All right.

(Recess taken.)

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 302 through 335 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 2, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 2, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MARCH 2, 2005

8:30 A.M.

(PAGES 337 THROUGH 528)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter

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I N D E X

Note:
Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index.
Mr. Auchincloss is listed as "A" on index.
Mr. Mesereau is listed as "M" on index.
Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index.
Mr. Oxman is listed as "O" on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KITE, Ann Marie	363-M	490-A	513-M	
LAFFERTY, Albert	516-S			

E X H I B I T S

PLAINTIFF'S NO.	DESCRIPTION	FOR I.D.	IN EVID.
4	Map of Santa Ynez Valley	520	521
5	Map of Los Olivos, Figueroa Mountain Road and Ranch location	520	521
6	Aerial photo showing Neverland Ranch		
7	Aerial photo showing security office, arcade, main house and guest house on Neverland Ranch	520	521
8	Aerial photo showing main house, guest house, train station at Neverland Ranch	520	521
9	Aerial photo showing theater, race track and amusement area at Neverland Ranch	520	521
10	Aerial photo showing theater at Neverland Ranch	520	521
11	Aerial photo showing zoo at Neverland Ranch	520	521
12	Aerial photo showing train station at Neverland Ranch	520	521
405	2-8-03 Bell Yard embargoed statement of Janet Arvizo	341	
410	List of phone numbers	343	
412	Appearance, Consent and Release form	345	

THE COURT: Go ahead.
MR. AUCHINCLOSS: Thank you, Your Honor.
Madam Reporter, could I have a read-back on the last question? I think we left on a question.
(Record read.)
MR. AUCHINCLOSS: All right. Thank you.
Q. Showing you at this time Exhibit No. 405, page one. It appears to be a statement from Bell Yard regarding Janet Arvizo, dated February 8th, 2003.
Ms. Kite, did you prepare that statement?
A. No, sir, I did not.
Q. Did you have anything to do with the preparation of that statement?
A. No, sir, I did not.
Q. Are you familiar with that type of statement in the capacity of being a PR --
A. Yes, I am.
Q. -- person?
What does it mean when a statement is embargoed?
A. It means that the statement is prepared and sent out to the news wires, but that the media isn't allowed to release the statement until the time that's stated on the press release. That's what embargoed means. It means we'll send you the information, but you need to hold it until the time we've specified before you can put it out.

Q. So this statement would be -- it would not be allowed to be printed in the media until what time, according --

MR. MESEREAU: Objection; foundation.

Q. BY MR. AUCHINCLOSS: Assuming this statement is a statement for -- that is embargoed until February 8th, midnight.

A. 22 --

MR. MESEREAU: Objection; leading and no foundation. She's not familiar with the document, Your Honor.

MR. AUCHINCLOSS: These are expert questions, Your Honor.

THE COURT: I haven't been accepting her testimony at this point as an expert.

MR. AUCHINCLOSS: Well, I do think she had familiarity sufficient to talk about the nature of embargoed documents when they are released to the media.

THE COURT: And she has. But the question now you asked was specifically as to this document.

MR. AUCHINCLOSS: I can talk hypothetically, if you'd like.

THE COURT: All right.

Q. BY MR. AUCHINCLOSS: All right. Hypothetically speaking, if a document was embargoed for a date, let's say January 1st, at twelve noon, what does that mean in terms of its production in

the media?
A. Well --
MR. MESEREAU: I'm going to object, Your Honor. She's not qualified as an expert.
MR. AUCHINCLOSS: This is an area where she has knowledge, Your Honor. It's beyond the -- it's beyond the scope of a layperson's understanding in these areas.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: What it means is that the person producing the document puts the information together, and sends it out to the media. The media has it in their hands, but they cannot release it for public consumption until the time that's stated on the document.
Q. BY MR. AUCHINCLOSS: All right. Moving on to Exhibit No. 410, page one. It appears to be a list of phone numbers. First name is Mark Geragos, Criminal Lawyer, in the upper left-hand side.
Is your name on that list of phone numbers?
A. Yes, sir, it is.
Q. Are there any other members of the team on that list of phone numbers?
A. Yes, there are.
Q. Which ones?
MR. MESEREAU: Objection. Foundation; hearsay.

THE COURT: The foundation is sustained. And what I'm thinking of -- I'm not sure what Mr. Mesereau was thinking of, but what I'm thinking of is "the team" is vague.

MR. AUCHINCLOSS: As to members of the team.

THE COURT: You said that, yes. That was your question. And I don't know what you're referring to.

MR. AUCHINCLOSS: All right.

Q. You mentioned that there was a number of people that were on a PR team; is that correct?

A. Yes.

Q. To deal with the issues, the PR problem that you previously identified, regarding Michael Jackson?

A. Yes.

Q. Are there any other members of that PR team that are on that phone sheet that is before you?

A. Yes, there are.

Q. Which ones?

A. Mark Geragos, Ronald Konitzer, Richard Elsen, Stuart Backerman, David LeGrand, and myself. And these are the people that I dealt with directly.

Q. Is there a phone number associated with your name?

A. Yes, there is.

Q. Is it correct?

A. Yes, it is.

Q. Are there any other names on that list that were the subject of the PR issues that you were addressing?
A. Yes, there is.
Q. What names?
A. Gavin Arvizo.
Q. Any others?
A. Yes. Debbie Rowe.
Q. All right. Is that it?
A. Yes, as far as I can tell.
Q. All right. Thank you.
Finally, I'll show you what appears to be a release form, Exhibit No. 412, page number two. Have you ever seen that document?
A. Yes, I have.
Q. Did you prepare that -- a portion of that document?
A. Yes, I did.
Q. Was there a portion of that document that was not prepared by you?
A. Yes, there was.
Q. Where did you get that document from, that portion that you're describing?
A. David LeGrand.
Q. Okay. First of all, describe for me what they have here as that exhibit.
A. This is an appearance, consent and release form.

Q. And it came to you from David LeGrand?
A. Yes, it did.
Q. On what date; do you know?
A. I believe it was around the 10th of February.
Q. And were you instructed to do something with this document?
A. Yes, I was.
Q. What was that?
A. I was instructed to take out the words "MJJ Productions Inc." and put in "Gabriel Media, Inc."
Q. Did you do that?
A. Yes, I did.
Q. What did you do with the document then?
A. I sent it back to Mr. LeGrand.
Q. Do you know what the purpose of that action was?
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: It's a yes or no question.
MR. MESEREAU: Foundation for elements.
THE COURT: Foundation; sustained.
Q. BY MR. AUCHINCLOSS: All right. During your work for Mr. Jackson, at some point, did you become aware of a problem involving the Arvizo family?
A. Yes, I did.
Q. How did you become aware of that problem?
MR. MESEREAU: Objection. Hearsay; foundation; 352.

MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.
THE COURT: Overruled.
THE WITNESS: Mr. Schaffel called me.
Q. BY MR. AUCHINCLOSS: Do you remember the approximate date or the date that that call took place?
A. Yes, it was the 13th of February.
Q. And what did Mr. Schaffel tell you?
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.
THE COURT: Overruled.
THE WITNESS: He told me that Janet had taken the kids and left the ranch either late at night or early in the morning.
Q. BY MR. AUCHINCLOSS: Did you express any concern to him?
MR. MESEREAU: Objection; leading.
Q. BY MR. AUCHINCLOSS: At that time?
THE COURT: You may answer.
THE WITNESS: Well, I didn't understand what it was that he was trying to say to me. I mean, I knew what he said, but I wasn't understanding where he was going with it.
Q. BY MR. AUCHINCLOSS: Was Mr. Schaffel -- what was his demeanor when he was telling you this?
A. He was extremely agitated.

Q. Did you understand what was the source of his agitation?
A. Yes. That Janet had taken the kids and left the ranch.
Q. Sometime later, did you receive another phone call or have another phone conversation with Mr. Schaffel concerning this subject?
A. Yes, I did.
Q. When was that?
A. It was later that day.
Q. And what was said?
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.
THE COURT: All right. The objection's overruled.
THE WITNESS: He said that the situation had been contained.
Q. BY MR. AUCHINCLOSS: Did that concern you?
A. Yes, it did.
Q. Okay. Why?
A. Because I believed that if somebody had taken their children and left the ranch, there must be some type of problem. And the way that he answered me by saying the situation was contained made me very uncomfortable.
Q. Did you ask him any other questions about that?

A. No, I did not.
Q. Did you have any further conversations with Mr. Schaffel about this subject?
A. During the -- one of the two conversations, and I believe it was the last one when he said the situation had been contained, he told me that he --
MR. MESEREAU: Objection; nonresponsive.
MR. AUCHINCLOSS: You can answer the question yes or no, first of all.
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: And what was said in that conversation?
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered in furtherance of the conspiracy
THE COURT: Overruled.
THE WITNESS: That he was going to fax me a letter; that he wanted me to put it away for safekeeping.
Q. BY MR. AUCHINCLOSS: Did you ask him any further questions about that?
A. No, sir, I did not.
Q. Did he ever say anything to you about the ranch, about the family?
MR. MESEREAU: Objection; leading.
MR. AUCHINCLOSS: Offered to refresh recollection.
THE COURT: The objection is sustained.

MR. AUCHINCLOSS: All right.
Q. Did he make any further statements to you about the Arvizo family?
A. Yes, he said that they had been brought back to the ranch.
Q. Did this conversation concern you?
A. Yes, it did.
Q. Why?
A. Because I didn't understand why he would be so upset about them leaving the ranch and then telling me the situation had been contained and that they had been brought back to the rather all within a span of approximately 12 hours or so.
Q. Did you have any conversations with other members of the team regarding this issue?
A. Yes, I did.
Q. Who else?
A. David LeGrand.
Q. When did that conversation take place?
A. It was later that same day, on the 13th.
Q. Did you call him or did he call you?
A. I called him.
Q. And what did you ask him?
A. I said, "Did I hear right, what Marc Schaffel said to me; that Janet left the ranch?" And I said, "Don't make me believe --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Overruled.

THE WITNESS: I said, "Don't make me believe that these people were hunted down like dogs and brought back to the ranch."

THE COURT: Okay. I'm going to strike that answer in response to the nonresponsive objection. The jury's to disregard the answer.

MR. AUCHINCLOSS: Okay.

Q. When did you tell Mr. LeGrand -- well, let me rephrase that.

Did you tell Mr. LeGrand -- express to Mr. LeGrand your concern about the Arvizos?

A. Yes, I did.

MR. MESEREAU: Objection; leading.

Q. BY MR. AUCHINCLOSS: What did you say?

THE COURT: Just a moment. Overruled.

Q. BY MR. AUCHINCLOSS: What did you say? How did you express your concern to Mr. LeGrand?

A. What words did I use?

Q. Yes.

MR. MESEREAU: It's hearsay, Your Honor.

MR. AUCHINCLOSS: The response is what is being offered. The responses to the question is being offered in advance of the conspiracy.

THE COURT: All right. I'll allow the answer.

Do you need the question read back?

THE WITNESS: Yes, Your Honor. I don't understand the --

THE COURT: All right. She doesn't understand. You need to rephrase your question. We won't read it back.

Q. BY MR. AUCHINCLOSS: I need you to answer this question one more time for me. What did you say to Mr. LeGrand concerning -- well, you previously said that Mr. LeGrand -- well, no. Let me strike that.

What did you say to Mr. LeGrand expressing your concern about the Arvizos, specifically? What did you say?

A. Do you want my verbatim?

Q. Yes.

MR. MESEREAU: Hearsay and foundation.

THE COURT: Overruled.

THE WITNESS: I said, "Don't make me believe that these people were hunted down like dogs and brought back to the ranch."

Q. BY MR. AUCHINCLOSS: Did Mr. LeGrand answer your question directly?

A. Yes, he did.

Q. What did he say?

A. He said, "I can't discuss this right now."

Q. Then what happened?

A. Um, we continued to discuss what happened on the morning conference call with Bell Yard, and hung up.

Q. Did you ever express your concern or ask any

questions about this subject to any other members of the team?
A. Yes, I did.
Q. Who was that?
A. Ronald Konitzer.
Q. How did you express your concern to Ronald Konitzer? Let me back up.
First of all, when did this conversation take place?
A. It was later in the day of the 13th.
Q. And how did you express your concern to Mr. Konitzer?
MR. MESEREAU: Objection. Hearsay; foundation.
MR. AUCHINCLOSS: Same purpose, Your Honor.
THE COURT: To explain the response that's --
MR. AUCHINCLOSS: Yes.
THE COURT: -- that's in the furtherance of a conspiracy?
MR. AUCHINCLOSS: Yes.
THE COURT: All right. I'll overrule the objection.
THE WITNESS: I asked him about Marc Schaffel's comment about the situation being contained.
Q. BY MR. AUCHINCLOSS: And do you recall specifically what you asked him?
A. Yes. I said, "What was" -- "What was the

situation with Janet and Gavin leaving the ranch?"
Q. And what did he tell you?
A. He told me that --
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.
THE COURT: The objection's overruled
THE WITNESS: He told me that the situation had been taken care of.
Q. BY MR. AUCHINCLOSS: Did he offer any other explanation?
A. No, sir, he did not.
Q. Did anyone ever provide you with any further explanation of the Arvizo issue?
A. No, sir.
Q. Did this cause you concern?
A. Yes, it did.
MR. MESEREAU: Objection; leading.
MR. AUCHINCLOSS: I'll rephrase.
THE COURT: I'll sustain the objection.
Q. BY MR. AUCHINCLOSS: How did you feel about that?
A. Very concerned.
Q. Okay. So during your tenure working with the team, how did you feel, or did you agree with how the team was conducting itself in terms of the PR --
MR. MESEREAU: Objection; vague.

Q. BY MR. AUCHINCLOSS: -- addressing the PR issues that you were hired to address?
MR. MESEREAU: Objection; vague.
THE COURT: Compound. Sustained.
Q. BY MR. AUCHINCLOSS: Did you agree with the team, how the team was handling the PR problem?
A. No, I did not.
Q. Why not?
A. Because I believed that they were leaving Mr. Jackson exposed in a way that was extremely negative for him.
Q. How were they leaving him exposed?
A. By not addressing the issues that were being raised by the press.
Q. Were they being proactive?
A. No, not at all.
Q. When were you terminated as a PR representative?
A. On the 15th of February.
Q. Were you given an explanation as to why you were terminated?
A. I received an e-mail, if that's your question.
Q. Did they explain why -- the reason for your termination?
A. No. There was no explanation. I can tell you what the e-mail said.
Q. What did the e-mail say?

A. The e-mail said Ronald --
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Okay. I'll go back to the question. Did the e-mail explain -- it didn't explain the reason for your termination?
A. No, sir. It didn't.
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: It's not a statement.
THE COURT: It's not a statement. It's an unstatement. Sustained.
Q. BY MR. AUCHINCLOSS: Did you -- were you ever provided, by anybody, with an explanation --
A. No, sir, I was not.
Q. -- as to why you were terminated?
A. No, sir.
Q. At some point did you prepare to make a statement, while you were still employed, on television?
A. Yes, I did.
Q. What was the television show?
A. Access Hollywood.
Q. And when was that?
A. When was it scheduled?
Q. Yes.
A. For the 14th of February.
Q. Were you ever told to clear such appearances before any member of the team?

A. Not when the preparations for Access Hollywood were being made, no.
Q. Did you clear your appearance on Access Hollywood with any member of the team?
A. Yes, sir.
Q. Who?
A. I spoke with Mr. Schaffel, I spoke with Mr. Geragos and I spoke with Mr. Konitzer.
Q. Did you tell them what you were going to say?
A. Yes, sir.
Q. Did they agree with you to go ahead?
A. Yes, sir.
Q. And did you go to Access Hollywood and prepare to make that statement?
A. Yes, I did.
Q. I take it this was a pro Jackson statement on Mr. Jackson's behalf?
A. Yes, sir.
Q. Did something unusual happen while you were on the set?
A. Yes.
Q. What was that?
A. I was pulled off the set by Mr. Geragos.
Q. In what fashion?
A. He called Access Hollywood and told them to not do the interview with me.
Q. How much time before the expected filming of

the set were you pulled off?
A. I was actually miked and sitting on the set with Pat O'Brien.
Q. Okay. Did that cause you some concern?
A. Yes, it did.
Q. Why?
A. Because I was of the belief that Mr. Jackson had been barraged by so much negative publicity, and I wanted to be able to get back into a proactive cycle for him.
Q. Did Mr. Geragos's involvement in this action cause you any concern?
A. Yes, it did.
Q. Why?
A. Because he was a criminal attorney.
Q. Why would that cause you concern?
MR. MESEREAU: Objection. Relevance; hearsay
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you subsequently have a conversation with Mr. Geragos about your employment --
MR. MESEREAU: Objection; leading.
Q. BY MR. AUCHINCLOSS: -- for Mr. Jackson?
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm sorry, I don't understand your question.

Q. BY MR. AUCHINCLOSS: After you were pulled off the set of Access Hollywood, did you subsequently have any conversations with Mr. Geragos about your employment with Mr. Jackson?
A. I had a conversation with Mr. Geragos, yes.
Q. When did that take place?
A. On the set of Access Hollywood.
Q. So you spoke to him then?
A. Yes, on the phone.
Q. All right. And what was that conversation about?
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered in furtherance of a conspiracy.
THE COURT: I'll sustain the objection, because it's vague, "What was the conversation about?" It calls for a conclusion of the witness.
Q. BY MR. AUCHINCLOSS: I can be more specific.
Did Mr. Geragos make any request of you?
A. Yes, he did.
Q. What was the request?
A. He --
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.
THE COURT: Overruled.
THE WITNESS: He asked me to stay in town overnight and come into his office the next morning

and meet with him.
Q. BY MR. AUCHINCLOSS: For what purpose?
A. To sign a private --
MR. MESEREAU: Same objection.
THE COURT: Overruled.
THE WITNESS: To sign a private investigator's confidentiality agreement.
Q. BY MR. AUCHINCLOSS: Are you a private investigator?
A. No, sir.
Q. Do you understand what that would have done to you if you had signed such an agreement?
A. I had an idea, sir.
MR. MESEREAU: Calls for speculation, Your Honor.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you have an understanding as to the effect, the legal effect of that agreement, if you signed it?
MR. MESEREAU: Foundation; speculation.
MR. AUCHINCLOSS: Goes to her intent as to whether she wanted to sign the agreement or not.
MR. AUCHINCLOSS: I can ask another foundational question.
THE COURT: All right. Go ahead.
Q. BY MR. AUCHINCLOSS: Did you sign that agreement?
A. No, sir.

Q. Why not?
MR. MESEREAU: Objection. Relevance; hearsay; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Because I believed that it would negatively impact me.
Q. BY MR. AUCHINCLOSS: Why? In what way?
MR. MESEREAU: Objection. Speculation; relevance; foundation; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: I believed it was designed to shut me up.
Q. BY MR. AUCHINCLOSS: Based on your performance as a PR person for Michael Jackson, how would you evaluate your attempted performance or your attempt to help him in a PR sense?
MR. MESEREAU: Objection. Hearsay; relevance, foundation; calls for speculation; hearsay.
MR. AUCHINCLOSS: How is this hearsay? I don't see any -- this is her evaluation. This is a spurious objection.
MR. MESEREAU: An opinion.
THE COURT: I'll sustain the objection and relevancy. An opinion of her own performance.
MR. AUCHINCLOSS: Okay.

Q. Did you ever form an opinion, based on everything that happened during this period of time that you were working for Mr. Jackson and the time immediately preceding it, as to why they terminated you? Based on all the conduct of the parties, based on all you knew about this case and your job, did you ever form an opinion as to why you were terminated?

A. Yes, I did.

Q. What was your -- what's your opinion on that?

MR. MESEREAU: Objection. Opinion; relevance.

THE COURT: Sustained.

MR. AUCHINCLOSS: Not a proper lay opinion?

THE COURT: The objection was sustained.

MR. AUCHINCLOSS: All right.

Q. After your termination, Ms. Kite, did you have a conversation with David LeGrand about Janet Arvizo?

A. Yes, I did.

MR. MESEREAU: Objection. Leading; hearsay.

MR. AUCHINCLOSS: It's -- it's a yes or no question. It is not hearsay. And it's hardly leading. It's just an open-ended question, whether she had a conversation.

THE COURT: Objection is overruled. She did answer. She said, "Yes, I did."

MR. AUCHINCLOSS: All right.
Q. When did this conversation take place?
A. Approximately a week to ten days after I was terminated.
Q. Were you in a room with him? Telephone? You tell me.
A. We were on the telephone.
Q. And did he convey some information to you about Janet Arvizo?
A. Yes, he did.
Q. What did he say to you?
MR. MESEREAU: Objection. Hearsay; foundation; relevance.
MR. AUCHINCLOSS: Offered in furtherance of the conspiracy.
THE COURT: The objection is overruled.
THE WITNESS: He said that they no longer had to worry about Janet Arvizo because they had her on tape and they were going to make her look like a crank whore.
MR. AUCHINCLOSS: Thank you, Ms. Kite. No further questions.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.

CROSS-EXAMINATION

BY MR. MESSEREAU:
Q. Good morning.

A. Good morning.
Q. Ms. Kite, my name is Thomas Mesereau and I speak for Mr. Jackson.
MR. AUCHINCLOSS: I'm going to object to counsel's preamble concerning who he represents.
THE COURT: Overruled.
(Laughter.)
Q. BY MR. MESEREAU: Ms. Kite, I'd like to refer you to Exhibit 410, which is a document the prosecutor showed you, which has names and phone numbers on it. Do you see that document? I think it's labeled as 410 in the book you have.
A. Yes, sir, I do.
Q. And just for the record, that is a document you referred to while the prosecutor was asking you questions, correct?
A. Yes, sir.
Q. And it's a document that appears to have names and phone numbers on it only, correct?
A. Yes, that's correct.
Q. And you looked at that document when you were testifying and you gave the names of people who were on the team, correct?
A. Yes, that's correct.
Q. And this was the team that you worked with for purposes of public relations, right?
A. Yes, sir.
Q. Does Mr. Jackson's name appear on that

document?
A. No, sir, it does not.
Q. Does Mr. Jackson's phone number appear on that document?
A. No, sir, it does not.
Q. And while you were working with this team, you never met Mr. Jackson, correct?
A. No, sir, I did not.
Q. And you never spoke with Mr. Jackson, correct?
A. No, I did not, that's correct.
Q. You never met any of the Arvizos, correct?
A. That's correct, sir.
Q. And at that time you never spoke to the Arvizos, correct?
A. No, sir, I did not.
Q. Have you ever been to Neverland?
A. No, sir, I have not.
Q. How long were you employed by this team?
A. From the 9th of February to the 15th of February.
Q. So you were brought on board on the 9th?
A. Officially, yes.
Q. You were terminated on the 15th?
A. Yes, sir.
Q. So you worked for less than a week?
A. That's correct, sir.
Q. Now, while you worked on this team for less

than a week, did you have other clients?
A. Yes, sir, I did.
Q. How many other clients were you working for during this six-day period?
A. Just one.
Q. Okay. Who was that?
A. Webcaster Alliance.
Q. And you have represented that client for a long time; have you not?
A. At that time, no, I had not.
Q. Well, did you have a position with that client as well?
A. Yes, I did.
Q. What was your position with that client?
A. The president.
Q. Okay. You were president of the Webcaster Alliance, correct?
A. Yes, sir.
Q. Would you please tell the jury what the Webcaster Alliance is?
A. The Webcaster Alliance is an organization that supports Internet-related webcasters, support services, manufacturers, anything to do with broadcasting music over the Internet.
Q. And how many people are members of that -- or excuse me, let me rephrase that.
How many people were members of that alliance at this particular time?

A. At that time I don't remember specifically. I think it was a little bit over 100, but I'm not sure.

Q. In the six days that you represented Mr. Jackson, as you described it, and were president of this alliance, did you think you became an expert on Mr. Jackson's life?

A. Oh, no, sir, I would never profess to be an expert on anybody's life.

Q. Please answer my question.

A. No, sir.

Q. During the six days you claim you worked for this team, did you think you became an expert on Mr. Jackson's music?

A. No, sir.

Q. Okay. During the six days that you worked with this team, and at the same time were president of the Webcaster Alliance, you didn't really become an expert on anything associated with Mr. Jackson, did you?

A. No, sir.

Q. Okay. Now, you told the Santa Barbara sheriffs that you were very concerned that these people were ripping off Mr. Jackson, didn't you?

A. I don't remember saying that, sir.

Q. Did you ever tell anything to the Santa Barbara sheriff that suggested you thought these people were taking advantage of Mr. Jackson?

A. I don't remember saying anything like that, sir.
Q. Okay. You met with the Santa Barbara sheriffs approximately when; do you know?
A. I believe it was in March of 2004.
Q. Okay. It was approximately March 11th, correct?
A. Yes, sir.
Q. And you gave them a lengthy statement, did you not?
A. Yes, I did.
Q. To your knowledge, was that statement recorded?
A. Yes, I believe it was.
Q. And were you told that your statement was going to appear in the form of a police report?
A. I don't remember, sir.
Q. Have you discussed your statement with anyone on the prosecution team at any time?
A. The statement in the police report?
Q. Yes.
A. Yes, I did.
Q. And when did you last discuss that with any member of the prosecution team?
A. I don't remember. Sometime probably in the last couple weeks.
Q. Who did you talk to about that?
A. To Gordon, Mr. Auchincloss.

Q. Okay. And that's the prosecutor who just asked you questions, correct?
A. Yes.
Q. Did he give you a copy of that police report to look at?
A. Yes, he did.
Q. Did you read it?
A. Yes, I did.
Q. Did you discuss its contents with Mr. Auchincloss?
A. I don't understand your question.
Q. Did you discuss the contents of that police report with Mr. Auchincloss?
A. I discussed --
Q. Let me rephrase the --
A. Okay.
Q. Maybe I'm being --
A. Yeah, I'm sorry. I'm not trying to be stupid.
Q. No, you're not. Don't worry.
Mr. Auchincloss gave you a copy of the police report, correct?
A. Yes, that's correct.
Q. He asked you to read it, correct?
A. Yes, he did.
Q. And it's a pretty long report, isn't it?
A. Yes, it is.
Q. And, in fact, it goes for many pages,

correct?
A. Yes, it does.
Q. And it is a narrative summary about what you told the police, true?
A. Yes, it is.
Q. What you told the sheriffs?
A. Yes, it is. That's correct.
Q. And it actually -- you had an approximately 90-minute conversation with the sheriffs in March when you were interviewed, true?
A. Yes, somewhere around there. I don't remember the time. But it was lengthy.
Q. You told them a lot of things you haven't said today, correct?
A. Yes, I did.
Q. You told them a lot of things that you felt about the way the so-called team was handling Mr. Jackson --
A. Yes, I did.
Q. -- correct?
A. That's correct.
Q. Okay. Now, you are referred to as Ann Gabriel in the report, correct?
A. That's correct, sir.
Q. That was your name at the time, right?
A. That's the name I used professionally.
Q. Okay. Was your name Kite at the time, your legal name?

A. My legal name is still Kite, but I go professionally by Ann Gabriel.
Q. Okay. And your understanding was that you would be referred to as "Gabriel" in the police report, true?
A. Yes, sir.
Q. You told the sheriffs that you are the owner of Gabriel Media, Inc., right?
A. Yes, sir.
Q. And you were asked how you got involved in this matter, right?
A. Yes, sir.
Q. Okay. And you told the police that you were hired by Attorney David LeGrand, correct?
A. Yes, sir, that's correct.
Q. And you had previously dated David LeGrand, right?
A. Yes, sir.
Q. You didn't tell that to the police at that time, correct?
A. No, sir, I did not.
Q. Okay. Now, correct me if I'm wrong, did you stop dating Mr. LeGrand when you were hired by the team?
A. Yes, sir, that's correct.
Q. Okay. So you and LeGrand had a professional relationship only at that time?
A. Yes, that's correct.

Q. And are you telling the jury that you ended the dating relationship just as you began this professional task?
A. Yes, sir, that's correct.
Q. Okay. Did you and Mr. LeGrand talk about the fact that it might not look good if you guys were dating while you took this job?
A. No, sir, we did not.
Q. Did you ever disclose to other members of this team that you and Mr. LeGrand had dated before?
A. No, sir, I did not.
Q. You both agreed to keep that hidden, right?
A. No, sir. We never agreed on anything. We never discussed it. We never agreed or disagreed or talked at all about hiding it or not hiding it.
Q. Okay. Now, let me just explore that a little bit. You and Mr. LeGrand are dating, and suddenly you decide to be hired as a professional public relations person, true?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You and Mr. LeGrand were dating right up until the very moment that you were hired as a professional by this team?
A. No, sir, not right up until the very moment.
Q. Okay. How much time was there between your relationship ending and you being hired to do public relations for this team?

A. My relationship with Mr. LeGrand on a personal level --
Q. Yes.
A. -- stopped for that moment at the end of January, but it was always hanging out there.
Q. Okay. And I'm not trying to pry into the nature of your relationship at all.
A. No, I have no problem answering your question. I just want you to understand specifically, that for that moment in January, when we decided not to see each other personally anymore --
Q. Right.
A. -- it had nothing to do with any professional performance that he may engage me in in the future.
Q. Okay. Now --
A. We were involved in other projects together on the professional side.
Q. When you were dating up until -- is it the 9th of January, is that what you said?
A. No, the end of January.
Q. The end of January. When you were dating Mr. LeGrand up until the end of January, did you ever discuss the possibility of your being hired to do public relations for this team?
A. Yes, sir.
Q. And at some point, you must have both

agreed, '"We're going to terminate the relationship and I'm going to be hired on the team," right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: It's asked and answered. Sustained.

Q. BY MR. MESEREAU: Needless to say, you never told Mr. Jackson that you had had this prior relationship, right?

A. Oh, no, sir, I never spoke to Mr. Jackson.

Q. Never wrote him either?

A. No, I did not.

Q. Okay. Okay. Now, when the prosecutor was asking you questions about the people you were working with, remember you said you thought Mr. Jackson was at the top?

A. I don't remember the prosecutor asking me anything about if I thought Mr. Jackson was at the top.

Q. Well, during his questions of you yesterday, do you remember he sort of tried to emphasize that Mr. Jackson was at the top of some structure?

A. I don't remember him bringing Mr. Jackson's name up at the top of a structure. I believe he asked me about the team that I worked with.

Q. Well, at no time when you were interviewed by the police or the sheriffs did you ever say Mr. Jackson was on this team, right?

A. No, sir, I did not.

Q. Because based upon your experience, Mr. Jackson wasn't on this team, correct?
A. That's correct, sir.
Q. You described the team to the Santa Barbara sheriffs as composed of the following individuals: Mr. LeGrand, right?
A. Yes, sir.
Q. Mark Geragos, right?
A. Yes, sir.
Q. Stuart Backerman, right?
A. Yes, sir.
Q. Ronald Konitzer?
A. Yes, sir.
Q. And Dieter Weizner, right?
A. Yes, sir.
Q. You told the Santa Barbara sheriffs there were also attorneys from the UK, correct?
A. Yes, sir.
Q. But you told them you had not spoken with them or met them, true?
A. No, I never said I had not spoken with them. I'm sure I had said I had not met them since they were in the UK. But I couldn't say I had not spoken with them when I had been on conference calls with them.
Q. Would it refresh your recollection if I just show you this page in the report?
A. Sure. Absolutely, you can.

MR. MESEREAU: Okay. May I approach, Your Honor?
THE COURT: Yes.
MR. MESEREAU: Thank you.
THE WITNESS: Oh, yes. I had not spoken with them or met them up until the point that Mr. LeGrand sent me the e-mail welcoming me to the team. That's what that's about.
Q. BY MR. MESEREAU: Doesn't say that there, does it?
A. Yes, that's what that paragraph says.
Q. Let me just -- for the record --
THE COURT: Counsel, you've showed her something to refresh her recollection.
MR. MESEREAU: Okay.
Q. Mrs. Kite, early in your interview with the Santa Barbara sheriffs, you told them you had not spoken with or met with attorneys from the UK, true?
A. Yes.
Q. Okay. You told the Santa Barbara sheriffs that you had been brought in by Mr. LeGrand because Mr. LeGrand was not PR savvy, true?
A. That's correct. Yes.
Q. And you told them there was a huge media crisis due to the Martin Bashir interview, right?
A. That's correct.
Q. You told the Santa Barbara sheriffs you believed you had the ability to read what was going

on, in connection with the press, right?
A. That's correct.
Q. You thought your connections with the press were pretty good, correct?
A. Yes, I did.
Q. And you told the Santa Barbara sheriffs you had been involved in public relations for approximately 20 years?
A. That's correct, sir.
Q. And that's correct, right?
A. Yes, sir.
Q. Excuse me, it was at the time, right?
A. Yeah. I'm a little older now, yes.
Q. All right. And you also told them you had done broadcasting, right?
A. That's correct, that's correct.
Q. What broadcasting had you done?
A. I had done Internet broadcasting.
Q. Can you please explain what that is?
A. Sure, absolutely. It's just like television, but it's done over the Internet.
Q. How long had you done that at that time?
A. At that time, since 1997. So whatever year it was that I spoke with the police. 2004.
Q. Were you doing Internet broadcasting while you were working with this team?
A. No, sir, I was not.
Q. Okay. Please tell the jury what you were

doing as president of the Webcasters Alliance?
A. Well, at that point, we were working toward legislation for webcasters to help them be allowed to play music on the Internet. It was more working on the political side.
Q. Now, who was opposing your efforts to play music on the Internet?
A. The Recording Industry Association of America.
Q. Okay. And who does that comprise, if you know?
A. That comprises the five major labels -- well, there were five at the time. There's three now, so....
Q. And are you saying it's composed of record labels?
A. That's correct, sir.
Q. What record labels were opposing you at that time?
A. The ones that belonged to the Recording Industry Association of America.
Q. Okay. Do you know who they were?
A. I can give you the majors, which would be Warner Music, Universal, BMG, Sony.
Q. Okay. They were opposing you, right?
A. Yes, sir.
Q. Now --
A. They were opposing webcasters.

Q. Webcasters. All right. Okay.
A. Yes.
Q. They were opposing them pretty vigorously, right?
A. Yes, sir, they were.
Q. Do you know why they were opposing you so vigorously?
A. Are you asking me personal opinion or are you asking what they said to the public? They're two different things.
Q. Okay. They gave -- actually, in the course of your work to get legislation passed, the record labels hired lobbyists, didn't they?
A. Yes, they did.
Q. And the lobbyists went around to various politicians opposing what you were trying to do, correct?
A. Yes, sir, that's correct.
Q. To your knowledge, they did that because they felt it would hurt the music industry, at least as far as they're concerned, if you could play this music on the Internet, right?
A. Yes, sir, that's correct.
Q. In fact, they made a pitch that they could lose a lot of money if this music was played on the Internet, right?
A. That was their pitch, yes.
Q. And you felt, and the members of your

organization felt, that you should be free to take these songs generated by these music companies and play them on the Internet, right?

A. Well, no, sir, not the way that you're stating it, that's not correct.

Q. How would you state it?

A. We felt that Internet broadcasters should fall under the same realm as traditional terrestrial radio stations did. And we believed that Internet broadcasting was every bit, if not more so, valuable to performers and artists, especially independent artists who might not have a chance to be heard on traditional terrestrial radio stations.

Q. Now, you certainly knew, while you were doing this, that Mr. Jackson had business arrangements with some of these major record labels, right?

A. I knew that Mr. Jackson had spoken out vigorously against the labels earlier. And I knew that he also still had an existing contract or believed that he still had an existing contract with Sony.

Q. But your position as president of the Webcasters Alliance was against Sony, right, at least as far as that issue was concerned?

A. Well, I wouldn't market against Sony. Our position was to try to explain to the labels that we could be every bit as friendly to them as a

terrestrial radio station would.
We certainly didn't want to be against them. We wanted to help them promote their artists' music and sell more music.
Q. You knew Mr. Jackson had a relationship with Sony at that time, correct?
A. Yes, sir, I did.
Q. Did you ever make any effort to advise Mr. Jackson that you might have a conflict of interest, if you were taking this position against Sony while Mr. Jackson was in a business relationship with Sony?
A. No, not Mr. Jackson. But Mr. LeGrand was aware of it because Mr. LeGrand was working on the legislation with me.
Q. Did he tell you there was no problem?
A. Well, if Mr. LeGrand was working on the legislation with me and went to the Recording Industry Association of America with me while he was also representing Mr. Jackson, I wouldn't have any reason to think there would be a conflict on my part.
Q. So correct me if I'm wrong. What you're saying is you never actually discussed a possible conflict, but you assumed, because Mr. LeGrand hired you, it must be okay with Mr. Jackson, correct?
A. Yes, sir, you're absolutely right.
Q. All right. All right. You told the Santa

Barbara sheriffs that you were contacted by telephone by Mr. LeGrand regarding your being hired to do public relations work, correct?

A. That was not my initial contact with Mr. LeGrand about doing public relation for Michael Jackson; nor was that how I found out that Mr. LeGrand hired me.

Q. Didn't you tell the Santa Barbara sheriffs that you had actually spoken with LeGrand in Washington D.C., but you were contacted by telephone regarding the public relations work?

A. I had spoken face to face with Mr. LeGrand about doing public relations for Mr. Jackson in Washington D.C.

Q. Okay. Would it refresh your recollection if I just show you the report?

A. Yes, you can show it to me. That's fine.

MR. MESEREAU: May I, Your Honor? Thank you.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that report, Ms. Kite?

A. Yes, I have.

Q. And is the report accurate or inaccurate?

A. Yes, I did speak with Mr. LeGrand in Washington D.C. about working for Mr. Jackson. But my recollection is -- as I sit here right now, was receiving an e-mail from Mr. LeGrand on the morning

of the 9th of February that said, "Welcome to the team."
Q. Okay. But -- I showed you the report. Does that appear to be slightly inaccurate, as far as you're concerned?
A. I don't -- I don't know, sir.
Q. Okay.
A. I'm telling you, sitting here right now, my recollection is that I received an e-mail from Mr. LeGrand --
Q. Okay.
A. -- on the morning of the 9th.
Q. Well, you received an e-mail welcoming you to the team, correct?
A. Yes, sir, that's correct.
Q. But you told the police that you were contacted by telephone before that about taking the job, right?
A. I guess so, sir.
Q. Okay. Sound right to you?
A. I guess, if you say so.
Q. No, I'm asking you.
A. Yes.
Q. All right. Had you represented any celebrities before?
A. Yes, I have.
Q. Who had you represented?
A. Well, I'm sure you wouldn't consider him a

celebrity, but he considers himself one. Would be Mr. Sylver, Marshal Sylver, who lives in Las Vegas.
Q. Who is he?
A. He's an entertainer. He also has done a lot of commercials, infomercials. And he did, you know, television. He was very much into self-hypnosis and things like that.
Q. Okay. Any other celebrities?
A. I have interviewed celebrities, yes.
Q. Correct me if I'm wrong. The question was --
A. No, sir.
Q. The question was, "Did you represent any other celebrities?"
A. No, sir, not in the way that I did Mr. Sylver.
Q. Really, I think what you're saying, he was the only celebrity that you had actually represented as a PR spokesperson --
A. Yes, sir, that's correct.
Q. -- before you joined this team?
A. Yes, sir, that's correct.
Q. Okay. Now, you said you were an expert at media crisis management, right?
A. Are you asking me what I believe?
Q. Well, I'm asking you what you said.
A. Yes, sir.
Q. Correct me if I'm wrong --

A. Yes, sir.
Q. -- didn't you tell the jury you were an expert on media crisis management at this point in time?
A. Yes, sir.
Q. All right. Did you do media crisis management for Mr. Sylver?
A. Yes, I did.
Q. So, actually, you had only done media crisis management for one person you consider a celebrity before you joined this team?
A. For one person that I would consider a celebrity, yes, sir.
Q. Okay. You really weren't very experienced in handling media crisis management for celebrities, were you?
A. Are you asking me what I believe or are you making a statement?
Q. I'm asking you to answer a question. You really weren't very experienced in handling media crisis management for celebrities before you joined this team, right?
A. I believed I was.
Q. Because you represented one?
A. Because I've seen a lot.
Q. I'm not asking you what you've seen; I'm asking you what you've done. Okay?
A. Yes, I have represented one person that was

a celebrity, sir.
Q. Okay. His name was Sylver?
A. Marshal Sylver, yes. S-y-l-v-e-r.
Q. To your knowledge, is he on television a lot?
A. He had been at the time. I don't believe he is anymore, no.
Q. He had been in television in what capacity?
A. He had produced infomercials.
Q. Did he appear himself on television?
A. Yes, sir, he did.
Q. Where did these info commercials appear, do you know?
A. I don't remember. This was several years ago, and I don't -- I mean, they appeared in a lot of markets.
Q. Okay. And were you helping him do the infomercials?
A. I was helping him promote himself on the Internet. He had an Internet radio talk show. I was helping schedule other appearances for him on television shows. And we were working on another book for him, and other infomercials that he had in the future, yes.
Q. Okay. And just how long did your representation of Mr. Sylver go for?
A. I think it was about a year, but I don't remember. This was a while ago.

Q. And what year was that?
A. Maybe around 98 or '99.
Q. Okay. So before you joined the team to handle crisis management for Mr. Jackson, you had done this kind of work for one person you considered a celebrity for one year, right?
A. Yes, sir.
Q. And you believed that one of your duties was to help the team put together a plan, correct?
A. Yes, sir, that's correct.
Q. And it was supposed to be a plan that would be consistent with your philosophy of being proactive, right?
A. I don't understand your question.
Q. Okay. I'll break it down.
Correct me if I'm wrong, you testified that you wanted to be proactive?
A. Yes, sir, that's correct.
Q. With respect to the response to the Bashir recording, correct?
A. Yes, sir, that's correct.
Q. And that also was just your general philosophy when it comes to dealing with crisis for celebrities, correct?
A. Yes, sir, that's correct.
Q. Had you been proactive with Mr. Sylver?
A. Yes, sir, I had.
Q. Okay. Did he have a crisis?

A. Yes, sir, he did.
Q. And did you feel that you handled the crisis pretty well?
A. Did I feel that he handled it very well?
Q. That you did.
A. Yes, I felt that I did. I didn't believe that he did, but I felt that I did.
Q. Okay. Is there any reason why you only spent a year with him?
A. Yes, I moved on to other things.
Q. Like what?
A. More Internet broadcasting. I began to get into more technical aspects of promoting products and services.
Q. Okay. And out of crisis management?
A. No, never out of it. But just -- technology was very fascinating for me, and so I began to do a lot of productions from conventions in Las Vegas. Consumer electronic show, the National Association of Broadcasting. Those types of things. Comdex.
Q. But your proactive philosophy meant what?
A. Did you say "meant what"?
Q. Yes, please.
A. The proactive philosophy meant that I would -- in terms of taking care of a client, is that what you're asking me?
Q. Yes.
A. That I would assess their assets and

vulnerabilities and map out a plan for them to be able to address any issues that might come up in the future and to be able to promote themselves in the manner that they aspire to.

Q. Now, with all due respect, how do you assess the assets and vulnerabilities of Mr. Jackson if you've never met him?

A. Mr. Mesereau, there are millions of people in the world that have never met Mr. Jackson and judge him based on what they read in the media.

I believe, for myself, as someone who handles public relations - and I'm not going to term myself as an expert in deference to you - what those people read in the media directly reflects to them who Mr. Jackson is. They have never met him either. So what better way to try to connect with the public's thinking than to read what's printed in the media about him and try to counteract it to his benefit?

Q. But -- let me repeat my question: You can't really know a person if you haven't met them, right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: When you put this plan together, you didn't know the person called Michael Jackson at all, right?

MR. AUCHINCLOSS: Objection; asked and answered numerous times.

THE COURT: Asked and answered; sustained.
MR. MESEREAU: Okay.
Q. You told the Santa Barbara sheriffs that one of the goals of the team was to put together a plan of action, right?
A. Yes, sir.
Q. And you said another goal of the team was to sue Granada, the company that had produced the Martin Bashir program, correct?
A. Yes, sir, that's correct.
Q. And, to your knowledge, Granada was a British company, right?
A. Yes, sir, to my knowledge.
Q. And it was your understanding that there was a lawsuit going on in England, right?
A. Yes, sir, that's correct.
Q. Now, was that lawsuit going on when you were hired for those six days, or were you discussing filing a suit?
A. I believe it had already been filed, sir.
Q. Okay. And is that why you were on the phone call with the British attorneys?
A. Yes, sir.
Q. Okay. And did Mr. LeGrand want you on that phone call?
A. Yes, sir, he did.
Q. Were you mostly reporting to LeGrand at this period of time?

A. No, sir.
Q. Okay. Well, you're hired for six days, right?
A. Yes, sir.
Q. And during those six days, you're talking to various members of the team, right?
A. Yes, sir.
Q. Now, what members of the team did you speak to during those six days you were hired?
A. You want me to rename them to you?
Q. Yes, please.
A. Mr. Backerman. Mr. Schaffel. Mr. Konitzer. Mr. Geragos. David LeGrand. And the team in the UK. And you if allow me to look at one of these e-mails, I can read their names off to you, too. Okay?
Q. Okay. Sure. Thank you.
A. I'm sorry, I'm looking for the three-page e-mail here.
Q. That's all right. Take your time. As long as Judge Melville doesn't mind.
A. I'm sorry. This is a thick book. Do you have a copy of that three-page e-mail that Gordon showed me earlier? Because the names were listed on there.
Q. Let me see. I think I do.
MR. SNEDDON: It's 43, Gordon. Page 43.
MR. MESEREAU: Thank you.

Q. All right. You mentioned Backerman, Konitzer, Geragos, LeGrand? And who else? Schaffel?
A. Yes, sir.
Q. And the British lawyers, correct?
A. Yes, sir, and the British -- and the UK crisis management team, Bell Yard.
Q. Okay. Okay. And Bell Yard, you had mentioned one woman's name, right?
A. Melanie Riley and also Richard. I believe Richard's name is on that e-mail too.
Q. These are all members of the team that you worked with, right?
A. Yes, sir.
Q. For those six days?
A. Yes, sir.
Q. Did you have any conference calls where every member of the team was on the phone?
A. No, sir, I can't remember that we had any conference call when every single member of the team was on the phone.
Q. Did you have face-to-face conversations with the various team members?
A. With Mr. LeGrand.
Q. Anyone else?
A. No. Not that I remember.
Q. Have you ever personally met Mr. Schaffel?
A. No, sir, I have not.

Q. Have you ever personally met Mr. Konitzer?
A. No, sir, I have not.
Q. Never personally met Mr. Geragos?
A. No, sir, I have not.
Q. Never personally met any of the British lawyers?
A. No, sir, I did not.
Q. Ever personally met Mr. Backerman?
A. No, sir, I did not.
Q. So one member of the team only you had face-to-face conversations with, right?
A. Yes, sir, because Mr. LeGrand was in Las Vegas.
Q. Okay. That's where you were?
A. Yes, sir.
Q. Okay. Now, is your office near his?
A. It was about 20 minutes away. 25 minutes away.
Q. Okay. During those six days, did you have a lot of meetings with Mr. LeGrand face to face about the team?
A. No, I did not.
Q. How many meetings did you have with Mr. LeGrand during those six days regarding the team?
A. Face to face?
Q. Yes, please.
A. Just one.
Q. Did you have a lot of phone calls with Mr.

LeGrand during those six days?
A. Yes.
Q. About the team?
A. I did.
Q. How many phone calls do you think you had with Mr. LeGrand during those six days where you discussed the team?
A. I don't understand your question. Are you talking about where we discussed the team as -- as far as it relates to what the team has discussed or where we discussed the team as far as it relates to my objections to things that were going on?
Q. Well, anything what have so far about the team. So let me restate the question.
A. Oh.
Q. During the six days you were on this team, you've indicated Mr. LeGrand is the only person you ever saw face to face, right?
A. Yes, sir.
Q. And you've indicated that you had a lot of phone calls with Mr. LeGrand during those six days to discuss team business?
A. Yes, sir.
Q. Approximately how many phone calls do you think you had with Mr. LeGrand during those six days to discuss team business?
A. Probably more than 50.
Q. Okay. How many phone calls did you have

with Mr. Backerman during those six days, if you can guess. Or not guess; if you know.
A. As few as possible.
Q. How many?
A. Maybe seven. Between five and seven.
Q. Okay. Mr. Backerman really was a competitor of yours, wasn't he?
A. No, sir. He wasn't.
Q. He was in the public relations business, was he not?
A. Mr. Backerman was hired as the official spokesperson. It was my understanding that Mr. Backerman was hired as Mr. Jackson's spokesperson.
Q. Okay. What was your official title while you were a member of the team?
A. I never asked for an official title, sir.
Q. What did you consider yourself to be?
A. Just someone who would handle public relations for Mr. Jackson.
Q. Okay. Okay. Did you ever speak to the media directly during those six days?
A. Yes, sir, I did.
Q. Who did you speak for?
A. I don't remember. I couldn't tell you. I do remember that I was on a couple of phone calls with people from the media. Overflow calls I got directed to me, or calls that Stuart wasn't answering and Bell Yard was concerned about, they

wanted me to speak to them directly. And I did speak with Claudia Eaton with NBC.

Q. And when you spoke to these people, you must have identified yourself as having some role involving Mr. Jackson?

A. I believe I just said I handled public relations for Mr. Jackson. I couldn't -- I mean, I couldn't tell you exactly. But I am pretty sure that I didn't identify myself with a grandiose title.

Q. Did you have any business cards printed up --

A. For Mr. Jackson?

Q. -- that identified you as a spokesperson for Mr. Jackson?

A. No, sir, never.

Q. Any kind of stationery printed up to identify yourself as a spokesperson for Mr. Jackson?

A. No, sir, never.

Q. Any kind of name tag or anything?

A. No, sir, never.

Q. Okay. Did you have any role in the lawsuit against Granada?

A. I don't understand your question.

Q. Well, you've indicated you were on a phone conversation with British lawyers, correct?

A. Yes, sir.

Q. And that concerned the lawsuit against

Granada, right?
A. Yes, sir.
Q. Did you have any role in that lawsuit, of any kind?
A. In how the lawsuit was being portrayed in the press, yes, I did.
Q. And what did you do during those six days about that?
A. I don't understand your question. What actions did I take during those six days, or what considerations were had?
Q. Well, wham did you ever do during the six days you were on the team to effect the Granada lawsuit?
A. Spoke with the other members of the team as far as the public relations were concerned, to put out information about the lawsuit with Granada.
Q. Did you actually put out information, yourself?
A. No, sir, I did not.
Q. Did you ever issue any press release yourself?
A. No, sir, I wasn't allowed to.
Q. Ever issue any type of statement anywhere during those six days?
A. Not that I can remember, no.
Q. Did you think during those six days you had learned enough to really understand that litigation

in England?
A. I wasn't trying to understand the litigation in England, sir.
Q. Now, you were asked by the Santa Barbara sheriffs if you had any say-so in the decision-making of the team. And you said, "Yes and no." Do you remember that?
A. Yes, I did.
Q. And you reviewed this report before you came in to testify today, right?
A. Yes, sir, I did.
Q. When did you last review it?
A. I don't know. It was probably about a week or so ago.
Q. Do you have a copy in your possession?
A. No, sir, I don't.
Q. Were you sent a copy and given an opportunity to read it?
A. Yes, sir.
Q. Then did you have to return the copy?
A. No, sir, I didn't.
Q. Where did the copy go; do you know?
A. Yes, it's in Louisiana. I didn't bring it with me.
Q. Someone sent you the police report in Louisiana?
A. Yes, sir.
Q. Do you know who did that?

A. No, sir, I don't.
Q. Did Mr. Auchincloss do that?
A. I'm not --
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Have you shown that report to anyone?
A. No, sir, I have not.
Q. All right. Have you discussed your testimony today with anyone before you came in?
A. I don't understand your question. The testimony that I'm giving right now?
Q. Yes.
A. No, sir, I have not.
Q. You haven't discussed it with anyone before testifying today?
A. I don't understand you. Are you asking if I spoke with Mr. Auchincloss? You need to ask me specifically, because I don't understand your term of "anyone."
Q. You don't know what "anyone" means?
A. I do know what "anyone" means, but I don't know what you mean by -- when you say it.
Q. Let me break it down slowly.
A. Okay.
Q. Did you discuss what you were going to say in court today with anyone before you came in and

testified?
A. No one had told me what to say in court. But Gordon did tell me in general what to expect of the questions from him.
Q. How long was your meeting with Gordon?
A. Yesterday, when I was here?
Q. Yes.
A. You didn't give him much time. I don't know, maybe ten minutes. I don't remember. I don't remember.
Q. How long was your prior meeting with Gordon?
A. The night before?
Q. Yes.
A. A couple of hours.
Q. And in a couple of hours with Gordon, the night before, you never discussed what you were going to say in this courtroom?
A. No. Mr. -- Gordon told me generally what questions he was going to ask me.
Q. Okay.
A. He said that it would be about the same type of things that he went over with me in the grand jury testimony, and that was it.
Q. Okay. So why did it last two hours?
A. Well, I think probably because I had a lot of questions for him also.
Q. So you were discussing what you were going to say today, right?

A. No. That doesn't mean that I was trying to ask him questions about what we were going to discuss today. I was very curious about this whole process and the process of the lawsuit.

Q. Did you ever tell Mr. Auchincloss what you intended to say in this courtroom during that meeting that lasted a number of hours the day before yesterday?

A. No, sir, I don't remember that I ever told him what I intended to say during any of my testimony.

Q. So, Prosecutor Auchincloss told you what he was going to ask you, and you never commented on what you were going to say at any time during that meeting which lasted a couple of hours, right?

A. I wouldn't have needed to, sir, because he told me basically it was the same questions that he had already asked me in the grand jury testimony, and I knew what my answers were.

Q. So why did it take so long, if you know?

A. Because, like I said, I was curious about the whole process of the lawsuit. I was asking questions about what the courtroom looked like, and that type of thing.

Q. Okay. So you didn't ever respond to any of his questions, true?

A. Any of what questions?

Q. When Prosecutor Auchincloss met with you and

I said, "I'm going to ask you," whatever the question was, you just didn't comment, right?
A. There was no need for me, sir, because he said it would be basically the same questions that he asked me in my grand jury testimony.
He didn't say that he was going to ask me anything different, and he didn't say that it was going to deviate.
Q. Well, let's take the timing. Prosecutor Auchincloss meets with you for a couple of hours. He tells you, "I'm going to ask you the same questions I asked you for the grand jury," which takes about five seconds. What else did you talk about?
MR. AUCHINCLOSS: Objection; this is argument.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Ms. Kite, you did discuss with Prosecutor Auchincloss things you were going to say in court today, didn't you?
MR. AUCHINCLOSS: Objection; these questions have been asked and answered numerous times.
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many conference calls with attorneys from the United Kingdom did you have -- excuse me. Let me rephrase that.
How many conference calls did you participate in with attorneys from the UK during the

six days you were hired?
A. With just the attorneys, or with the Bell Yard also?
Q. Just with the attorneys.
A. I don't know. Maybe five or six. One a day.
Q. And how many conference calls did you have with other people employed in the United Kingdom during those six days?
A. At least double or triple that, because I talked to Bell Yard several times a day.
Q. Okay. Now, were you giving Bell Yard your ideas about public relations issues in England?
A. Is your question was I giving Bell Yard information about how I felt they should handle public relations issues in England? No, sir --
Q. Sure.
A. -- I did not.
Q. Were they calling you for advice on what to do in England?
A. No. They weren't calling me for advice on what to do in England. We were talking together to be able to coordinate the same type of public relations effort between the United Kingdom and the United States.
Q. Was it your understanding that Bell Yard was issuing press releases in England during those six days?

A. I believe they issued one or two, but I don't know how many. They -- I don't know.
Q. Did you ever see the one or two statements that they issued?
A. Yes, I believe I did.
Q. Did they fax them to you?
A. E-mailed them to me, I believe.
Q. Did they ask you for your thoughts on the content?
A. Yes, sir.
Q. Did you give them the thoughts on the content?
A. Yes, sir.
Q. Did you feel they followed your advice?
A. Yes, sir.
Q. So you never had any dispute with Bell Yard in England with respect to public relations, correct?
A. No, sir. Bell Yard and I agreed very much on how we felt that the public relations effort should be handled for Mr. Jackson.
Q. Now, correct me if I'm wrong, you've testified that you thought these team members -- not including Mr. Jackson, because he wasn't on the team -- these team members overruled your ability to be proactive; is that correct?
A. Yes, sir. That's correct.
Q. But you felt they didn't overrule Bell

Yard's efforts to be proactive, correct?
A. No, sir, that's not correct. I believed that they did overrule Bell Yard also.
Q. Did you think the statements that you saw issued by Bell Yard during those six days were proactive?
A. There was an issue with Bell Yard when I was brought on.
Q. And you had an issue with them?
A. No, there was an issue within the team with Bell Yard when I was brought on.
Q. Here's what I'm getting at: And if I misstate something, just tell me.
A. Uh-huh.
Q. You told the jury you were overruled in your desire to make a public statement on behalf of the team, right?
A. Okay. Then I understand where you're going. And let me answer you this way: The press releases that were put out by Bell Yard during that time mainly had to do with the lawsuit against Granada, and didn't at all affect the crisis issues that I felt were negatively impacting Mr. Jackson's reputation.
Q. But the crisis involving Bell Yard was a crisis concerning the Bashir program, right?
A. It was concerning the program itself. It didn't concern the attacks that were being launched

against Mr. Jackson about everything else.
Q. The lawsuit was filed by attorneys for Mr. Jackson, true?
A. Yes, that's correct, sir.
Q. And Mr. Bashir was sued, correct?
A. I don't remember, sir. I believe so.
Q. And Granada was the company that produced the Bashir show, correct?
A. Yes, sir.
Q. To your knowledge, the lawsuit had to do with their not meeting their obligations --
A. To my --
Q. -- to Mr. Jackson, right?
A. To my knowledge, I believed that the lawsuit was launched to stop the distribution of additional footage. Not to attack the integrity of the lawsuit, or the integrity of the documentary.
Q. Did you ever read any of the legal documents filed in the lawsuit?
A. I don't remember, sir. I don't remember.
Q. After your conference calls with the attorneys in England, did anyone ever send you copies of the legal documents that were filed in that lawsuit, if you remember?
A. I don't remember if there were copies that were sent to me. But I do believe that there were snippets of issues that needed to be addressed or things that were going to be put into the lawsuit,

yes.
Q. Okay. When were you first -- let me strike that.
Did you have a conference call with those attorneys the first day you were hired?
A. I don't remember. I remember having several calls, but I don't remember if it was the attorneys that were on the call or not. That short six-day period of time, as you classify it, was basically 24 hours a day for me, and there was so much that happened. And I couldn't tell you exactly if there was anything that first day.
Q. Okay. Now, you told the Santa Barbara sheriffs that you were on a conference call with Mr. Konitzer and Mr. Geragos, correct?
A. Yes, that's correct.
Q. And you told the Santa Barbara sheriffs you were on two conference calls to the United Kingdom that included Konitzer and Geragos, right?
A. Yes.
Q. Did you believe you were reporting to Mr. Geragos?
A. I believed that Mr. Geragos was one of the persons that I did speak to. But as far as the hierarchy is concerned, Mr. Konitzer told me that Mr. Schaffel was in charge of public relations for Michael Jackson. There were times that Mr. Geragos called me and spoke to me about certain issues

regarding public relations; there was times that Mr. Konitzer called me; and there was times that I spoke with Mr. Schaffel or I spoke with Mr. LeGrand. So, I mean, there wasn't a direct pecking order that I had to report to. It depended on what it was that they were looking for.

Q. Well, was it your understanding, if Mr. Geragos asked you to do something, that you were supposed to do it?

A. Yes.

Q. Was it your understanding, if Mr. Konitzer asked you to do something, that you were supposed to do it?

A. Generally, if Mr. Konitzer asked me to do something, I called Mr. LeGrand.

Q. Okay. Let me just rephrase the question. Was it your understanding -- and either it was or it wasn't -- that you were supposed to do what Mr. Konitzer asked you to do?

A. Yes.

Q. Okay. Was it your understanding that, during those six days, you were supposed to do what Mr. Schaffel asked you to do?

A. Yes, sir.

Q. Was it your understanding that you were supposed to do whatever Mr. Backerman asked you to do?

A. No, sir, never.

Q. Did you ever feel you reported to Backerman?
A. No, sir, I did not.
Q. Did you ever try to replace Mr. Backerman?
A. No, sir, I did not.
Q. Okay. Did you think you were supposed to do what the British lawyers asked you to do during those six days?
A. The British lawyers never asked me to do anything. We -- again, on the conference calls that we had, we were discussing how the public relations effort between the UK and the United States would mesh together, so there was never a directive from the British lawyers. It was more of a summation of the day's events and how they would be handled in the press.
Q. Okay. Now, a sheet of names and phone numbers that you were presented by the prosecutor is Exhibit 410, right?
A. Yes, I believe so.
Q. Do you have that in front of you?
A. Yes, sir.
Q. Now, is that a sheet that you used during your work?
A. It may -- they sent me several different iterations of contact numbers. This isn't anything that was ever typed up that I saw.
Q. Okay. So when did you first see this document?

A. I don't remember when I first saw it.
Q. Did the prosecutor show it to you?
A. They very well may have. I don't remember.
Q. Well, before you came into court to testify and began to answer questions from Prosecutor Auchincloss, have you ever seen the document?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Overruled.
THE WITNESS: I may have. I just don't remember. There was several different iterations of documents that were sent, of e-mails that were sent to me with names and phone numbers on them. This may have been one of the iterations. I don't remember.
Q. BY MR. MESEREAU: When you met with Prosecutor Auchincloss, did he ever show you this document and say he was going to ask you about names and numbers on the document?
A. No, sir, he did not.
Q. To your knowledge, is the first time you ever saw this thing when you were shown it in court?
A. To my knowledge, yes.
Q. Okay. Well, what makes me curious is your own name and number is on that document, right?
MR. AUCHINCLOSS: Objection to the form of the question.
THE COURT: Sustained.

Q. BY MR. MESEREAU: You didn't have a document of phone numbers and names that had your own on it, did you?
A. Yes, sir, the iterations of information that I was sent contained everyone's phone number. We would include mine too.
Q. And were you sent Exhibit 410?
A. I don't know, sir. I was sent several iterations.
Q. Now, there's a number for Gavin Arvizo on that document. Do you see that?
A. Yes, sir, I do.
Q. Did you have a document with Gavin Arvizo's number?
A. I don't remember, sir. I was sent several iterations of documents. I don't remember.
Q. Well, you certainly know who Gavin Arvizo is, right?
A. Yes, sir, I do.
Q. And if you had been carrying around a document with his name and number, you'd probably remember that, wouldn't you?
A. I didn't carry it around. It came to me in an e-mail and I only accessed the numbers that I needed.
Q. Okay. But certainly you're testifying that Mr. Auchincloss didn't go over this document before you testified?

A. Yes, sir, that's correct.
Q. The questions just came out fresh and cold, as far as you're concerned, right?
A. As far as I'm concerned, yes, sir.
MR. AUCHINCLOSS: Objection. Argumentative; asked and answered.
MR. MESEREAU: I withdraw it.
Q. You told the Santa Barbara sheriffs that Mr. Geragos had the final say-so on everything, did you not?
A. I told the Santa Barbara sheriffs that I was told that Mr. Geragos had the final say-so, yes, sir, I did.
Q. And who told you that Mr. Geragos had the final say-so on everything?
A. Mr. LeGrand and Mr. Konitzer.
Q. And during those six days you were employed, you operated with the understanding that essentially the buck stopped with Mr. Geragos, right?
A. Yes.
Q. Okay. You told the Santa Barbara sheriffs that on major things, you were to answer to Schaffel, right?
A. Yes, sir, that's correct.
Q. And did you answer to Schaffel during those six days?
A. Yes, sir, I did.
Q. Okay. How many times do you think you spoke

to Schaffel on the phone during those six days?
A. It would be very hard for me to estimate. Maybe ten, maybe 15.
Q. Okay. And was it your understanding that Mr. Schaffel was in charge of Mr. Jackson's public relations?
A. That's what Mr. Konitzer told me, yes, sir.
Q. Konitzer told you that?
A. Yes, sir, he did.
Q. And obviously Mr. Jackson never told you that?
A. No, sir, he did not. I never spoke to Mr. Jackson.
Q. Okay. You told the Santa Barbara sheriffs that you thought Mr. Schaffel answered to Konitzer, right?
A. Yes, sir, that's correct.
Q. And why did you think that?
A. Why did I think that?
Q. Yes.
A. Because Mr. Konitzer told me to -- that Mr. Schaffel was in charge of Michael Jackson's public relations. And obviously Mr. Schaffel would have to answer to someone and to me. That someone would be Mr. Konitzer.
Q. Okay. When did you last talk to Mr. Schaffel?
A. It was either the 13th or the 14th of

February. I don't remember.
Q. And that would be that year?
A. Yes, sir.
Q. Have you talked to Mr. Schaffel since you were terminated?
A. No, sir.
Q. Have you talked to Mr. Konitzer since you were terminated?
A. No, sir.
Q. Have you talked to Mr. Geragos since you were terminated?
A. Yes, sir.
Q. When did you last talk to Mr. Geragos?
A. I don't remember.
Q. Can you tell me approximately when it was?
A. I don't remember.
Q. Was it this year?
A. No, sir.
Q. Was it last year?
A. No, sir.
Q. Was it the year before last, if you know?
A. It would have probably been shortly after I was terminated. Maybe, you know, a few days or something. And then -- I don't remember.
Q. Do you consider yourself to be on good terms with Mr. Geragos?
A. I wouldn't consider myself either way, to be on any terms with Mr. Geragos.

Q. Okay. When did you last talk to Mr. Backerman?
A. On the 14th of February.
Q. Okay. So you've not been in touch with him since you were terminated?
A. No, sir.
Q. Now, did you include someone named Dieter Weizner as a member of the team?
A. I never met Dieter, sir.
Q. Did you ever talk to him on the phone?
A. No, sir, I never did.
Q. So no contact with him ever?
A. Never.
Q. Okay. Now, you told the Santa Barbara sheriffs that you knew that Konitzer had obtained a power of attorney over Michael Jackson, true?
A. Yes, sir, that's correct.
Q. How did you know that Konitzer had obtained a power of attorney on behalf of Michael Jackson?
MR. AUCHINCLOSS: Objection. Hearsay, unless this witness has personal knowledge.
MR. MESEREAU: I asked how she learned, Your Honor. State of mind.
THE COURT: The objection is overruled.
You may answer the question. Do you want it read back?
THE WITNESS: No.
Mr. LeGrand told me.

Q. BY MR. MESEREAU: Okay. And approximately when did he tell you that Konitzer had gotten a power of attorney over Michael Jackson?

MR. AUCHINCLOSS: Same objection.

THE COURT: Overruled.

THE WITNESS: Are you asking me when he actually physically signed the power of attorney or when Mr. LeGrand told me that it was going to be signed?

Q. BY MR. MESEREAU: I'm asking you when you learned that Konitzer was going to have a power of attorney over Michael Jackson.

A. At the end of January.

Q. Okay. When you first heard about it, was it your understanding that it had already been signed or was it about to be signed?

A. It was about to be signed.

Q. Okay. And do you remember why -- excuse me. Let me rephrase.

In what context did Mr. LeGrand discuss that with you, if you know? Why did it come up?

A. David had been telling me for a while that he was preparing to take on a new client, that he had been working on it for a number of months. I think it was probably close to a year. And he was excited about it. He never told me who the client was until he told me about the power of attorney and who the client was.

Q. And was it your understanding that David LeGrand prepared that power of attorney?
A. Yes, it was.
Q. Okay. Did you ever learn that David LeGrand had commenced an investigation of Schaffel, Konitzer, Dieter, Geragos, Malnik?
A. I asked Mr. LeGrand to start an investigation.
Q. And you did that because you thought they were stealing from Michael Jackson, correct?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
THE WITNESS: No, sir. I did that because I couldn't understand why they would allow Mr. Jackson's reputation to fall into total ruin in the press.
Q. BY MR. MESEREAU: Well, didn't you tell the police that you had learned that Konitzer used the power of attorney to embezzle $980,000 from Michael Jackson?
A. I told --
MR. AUCHINCLOSS: Objection. Hearsay; multiple hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: I told the police that Mr. LeGrand told me that.
Q. BY MR. MESEREAU: Well, correct me if I'm

wrong, didn't you say to the Santa Barbara sheriffs Konitzer had power of attorney and he embezzled $980,000 from Michael Jackson?
A. Yes, sir, that was my statement. But your're phrasing it in a way that I didn't say it. I did say that he did have power of attorney, and he embezzled $980,000, but that was told to me by Mr. LeGrand. I had no personal knowledge of Mr. Konitzer take the money from Mr. Jackson.
Q. So your source was strictly David LeGrand, right?
A. Yes, sir, that's correct.
Q. Do you know approximately when he told you that Konitzer had used that power of attorney to embezzle $980,000 from Mr. Jackson?
A. It was somewhere in the beginning of March. But I don't remember the exact date.
Q. So that was after you were terminated, right?
A. Yes, sir, that's correct.
Q. Now, after you were terminated, you --
THE COURT: Counsel, can we take our break?
MR. MESEREAU: Yes, Your Honor.
(Recess taken.)
THE COURT: You may proceed.
MR. MESEREAU: Thank you, Your Honor. It's almost noontime.
Q. Okay. When you had your interview with the

Santa Barbara sheriffs, you were asked by Detective Zelis if you knew if Michael Jackson was aware of what the team was doing, do you remember that?

A. Yes, sir, I do.

Q. And you told him you had no idea whether Michael knew anything about it, right?

MR. AUCHINCLOSS: Objection, Your Honor. Calls for speculation; no foundation.

THE COURT: Overruled. You may answer.

THE WITNESS: As you said, I have never talked to Michael Jackson.

Q. BY MR. MESEREAU: But you told Detective Zelis you had no idea whether Michael Jackson knew what this team was doing, correct

A. That's correct. Because I never spoke with Mr. Jackson.

Q. Okay. You tried to speak to him, didn't you?

A. No, sir.

Q. Didn't you tell the Santa Barbara sheriffs that on one occasion you asked Mr. Konitzer to get Michael Jackson on the phone to find out about the contract with Martin Bashir, right?

A. No, sir, that wasn't me that asked to get Michael Jackson on the phone. That was an attorney from the UK. That's -- that's the incident that I was relating to the police.

Q. Didn't you tell the police - correct me if

I'm wrong - you asked Konitzer to get Michael Jackson on the phone to find out about the contract concerning the Bashir interview, and you told him that Konitzer would say, "He's busy," referring to Jackson, correct?
A. No, sir, I don't remember saying that.
Q. Would it refresh your recollection if I show you the report?
A. You can show me the report. But the incident that you're talking about, I remember very vividly. And it didn't have anything to do with me telling Mr. Konitzer to get Mr. Jackson on the phone. It was an attorney from the UK who was very upset at the lack of responsiveness from Mr. Jackson about his not being on these conference calls that he felt were extremely important.
Q. You actually said you tried to get him on the phone and the attorney in Britain tried to get him on the phone, and you both failed, correct?
A. No, sir, I don't remember saying I tried -- I didn't have a phone number for Mr. Jackson. How would I try to get him on the phone?
Q. Well, you asked Mr. Konitzer to put him on the phone, didn't you?
MR. AUCHINCLOSS: Objection; argumentative.
Q. BY MR. MESEREAU: Would it refresh your recollection if I show you the report?
A. You can --

MR. AUCHINCLOSS: Objection. He's asked the witness if it would refresh her recollection, and she said it would not.

THE COURT: No, actually she did say that, but she said something else, too.

Would it refresh your recollection to be shown that report?

THE WITNESS: You can show me the report, but I remember the incident very specifically. And I would never tell Mr. Konitzer to get Mr. Jackson on the phone.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: No, she says that she remembers specifically.

Q. BY MR. MESEREAU: In other words, if the report of the police officer, which I remind you was recorded, says you told them, "I asked Mr. Konitzer to get Mr. Jackson on the phone, and he told me he was busy," that would be wrong?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: Did you tell the Santa Barbara sheriffs that you believed Konitzer, Schaffel and Weizner created an environment that allowed Jackson to pursue his other interests while they ran the day-to-day operation of his business matters?

A. Yes, sir, I did.

Q. Did you ever ask any member of the team at any time if you could get Mr. Jackson on the phone?
A. Not to my knowledge, sir, no.
Q. You were asked by the Santa Barbara sheriffs if you had ever met Dr. Farshshian, correct?
A. Yes, sir, that's right.
Q. And you said you had not?
A. No, sir, I had not.
Q. You also told him you had never met the Arvizo family, right?
A. Yes, sir, that's correct.
Q. Okay. And you've described what Schaffel told you had happened with Janet Arvizo at the ranch, right?
A. Yes, sir.
Q. But your knowledge of that only came from Schaffel, correct?
A. Yes, sir, that's correct.
Q. And it goes without saying, Mr. Jackson was not involved in that conversation, correct?
A. That's correct, sir.
Q. Schaffel also told you that Janet Arvizo was going to sell her story to a British tabloid, correct?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you tell the police that Schaffel told you Janet was selling a story to

a British tabloid?
MR. AUCHINCLOSS: Same objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: As part of your work during those six days, you had to consider what to do if Ms. Arvizo sold a story to a British tabloid, right?
A. At that -- are you asking me at that point, or are you asking me before that?
Q. I'm not talking about any point. I'm asking you if you told the Santa Barbara sheriffs that you were considering what to do if Janet Arvizo sold her story to a British tabloid.
A. I don't remember that.
Q. Would it refresh your recollection if I show you the report?
A. Absolutely, sure.
MR. MESEREAU: May I show her the report?
THE COURT: You may.
THE WITNESS: That's what I said.
Q. BY MR. MESEREAU: Have you had a chance to look at your report?
A. Yes, sir.
Q. Does it refresh your recollection about that issue?
A. Yes, it does.
Q. Okay. In the course of your duties during those six days, did you take into consideration what

to do if and when Janet Arvizo sold her story to a British tabloid?
A. I didn't know what story Miss Arvizo could sell to a British tabloid.
Q. Did you ever, during those six days, as part of your work, discuss the possibility of Ms. Arvizo selling a story to a British tabloid with any member of the team?
A. No, because no one would go over the crisis plan with me. I couldn't discuss anything with anyone because they all had different agendas.
Q. So you never discussed it with Schaffel, correct?
A. I never discussed what the team would do if Miss Arvizo sold a story to the British tabloids, no.
Q. Did you ever tell the Santa Barbara sheriffs that Schaffel told you he was going to fax you a letter about that?
A. Yes, sir, I certainly did.
Q. And did you tell them anything else about that issue?
A. That I never received a letter from Mr. Schaffel.
Q. But you told them Schaffel told you he was going to fax you a letter about Janet Arvizo selling a story to the tabloids; is that correct?
A. No, sir, that's not what I said.

MR. AUCHINCLOSS: Objection, hearsay.
THE WITNESS: That's not what I said.
Q. BY MR. MESEREAU: What did you say?
MR. AUCHINCLOSS: I have an objection pending.
THE COURT: Just a moment.
The objection's sustained.
Q. BY MR. MESEREAU: Did you ever discuss with the Santa Barbara sheriffs that Schaffel had told you he was concerned that Janet Arvizo was going to make a deal with the British tabloids?
MR. AUCHINCLOSS: Same objection.
THE COURT: Overruled.
THE WITNESS: Yes, sir, I did.
Q. BY MR. MESEREAU: Okay. Now, the only knowledge you ever had about the Arvizos leaving the ranch was through Schaffel, right?
A. No, I discussed it later in the day with Mr. Konitzer.
Q. Okay. But you first learned about it through Schaffel, didn't you?
A. Yes, sir, that's correct.
Q. Okay. And did you discuss it with Schaffel and Konitzer?
A. Not at the same time, sir.
Q. At any time?
A. On separate occasions on the 13th, yes.
Q. Okay. And at some point you learned the

Arvizo family had returned to the ranch, right?
A. I was told that.
Q. Was that by Schaffel?
A. Yes.
Q. Okay. And you testified that Schaffel told you "the situation is contained," correct?
A. Had been contained, yes.
Q. Okay. Is that after he told you the Arvizos had returned to the ranch?
A. No, sir, that was in the same conversation.
Q. So he told you they're back at the ranch, the situation's contained; is that right?
A. I think he told me it the other way around, but, yes, that's pretty much the way I remember it.
Q. And was that after Schaffel told you that he thought Janet Arvizo was selling a story to the British tabloids?
A. Yes, sir, it was.
Q. Okay. Okay. You told the police the first thing you wanted to do was laugh, because it sounded like something out of a bad "B" movie, correct?
A. Yes, I did, sir.
Q. You told the police you remember these dates because you had a rental car you were driving, right?
A. That's correct.
Q. And you had to renew the rental, the weekly rental agreement, right?

A. That's correct.
Q. You told them the rental office opened at 7:30 a.m., and that was the time you received the call on your cellular phone from Schaffel, correct?
A. It was -- I received the call on my phone from Schaffel as I was driving into the parking structure --
Q. Okay.
A. -- yes.
Q. Now, the next day is when you flew from Las Vegas to Hollywood to film the show Access Hollywood, right?
A. That's correct, sir.
Q. And you told Detective Zelis you never asked Schaffel what the story was that Janet was supposedly going to sell to the British tabloids, right?
A. That's correct.
Q. And after Schaffel told you "The situation is contained," you called David LeGrand, correct?
A. Later that day, yes.
Q. Okay. And you were concerned about what Schaffel had told you, true?
A. Yes, that's correct.
Q. You told David LeGrand you were concerned about Schaffel, Backerman, Konitzer and Weizner, correct?
A. I don't think I said Weizner, because I

didn't think at the time that I even knew that Dieter was part of the group.

Q. Would it refresh your recollection if I show you the report?

A. Certainly.

MR. MESEREAU: May I approach, Your Honor?

MR. AUCHINCLOSS: May I see it, Counsel?

MR. MESEREAU: Sure.

That's what he's referring to. That's her interview.

MR. AUCHINCLOSS: Well, that's his impression.

MR. MESEREAU: We'll see.

THE WITNESS: Yes.

Q. BY MR. MESEREAU: Have you had a chance to look at that?

A. Yes, I did.

Q. Okay.

MR. AUCHINCLOSS: Your Honor, may the record reflect that the document that was shown the witness in this case had parentheses around the names that were provided by --

THE WITNESS: I didn't say those names. I said the word "they."

Q. BY MR. MESEREAU: So when the police officer said, referring to those names, he just pulled that out of someplace?

A. I did not say those names. And I know I

wouldn't have said Dieter's name, because I -- I hadn't spoken to Dieter.
Q. Okay. Well, at this point you were concerned about what the team was doing; is that right?
A. Yes, sir, that's correct.
Q. Would the team refer to all of the people that you had previously identified as members of the team?
A. Except for Bell Yard and the attorneys on the UK side, yes.
Q. So Geragos, Konitzer, Schaffel?
A. Schaffel, Backerman.
Q. Were you concerned about what LeGrand was doing?
A. No, I felt that David was under a lot of pressure, and, you know, I had no reason to suspect that at that time he would be doing anything wrong.
Q. But at that point, LeGrand was telling you he was suspicious of the other members of the team, wasn't he?
A. No. Not at that point.
Q. At some point he did, didn't he?
A. At some point later, yes, he did.
Q. Now, when you arrived in Los Angeles to go on Access Hollywood, did you talk to any member of the team on the phone after you arrived?
A. Yes, I did.

Q. Who did you talk to?
A. David LeGrand.
Q. Did you ever talk to Konitzer that day?
A. Not that day, I don't believe so, but I don't remember, sir.
Q. Okay. Who told you to appear on that show?
A. Well, initially the decision came from Marc Schaffel. And then I spoke -- Access Hollywood sent the questions to me. I forwarded them to Mr. Geragos. We went through them together and created the replies. And then I spent about an hour and a half or so on the phone on Thursday, the 13th, with Mr. Konitzer going over everything for it. So there were -- and then, of course, Mr. LeGrand was aware -- actually, I believe I was in his office on the 11th when I talked to Access Hollywood to initially set something -- to do something up with them, so --
Q. But you've told the police that you thought Geragos didn't want anybody to do public relations work for Michael Jackson, correct?
A. I don't remember saying that specifically. I mean, I don't -- no, I don't remember saying that specifically, that Geragos didn't want anybody to do public relations work for Michael Jackson.
Q. Didn't you tell the Santa Barbara sheriffs in that interview that you had a theory as to why you were pulled off the Access Hollywood show, right?

A. Yes, I did.
Q. You told them that you were told by Geragos that you were pulled off the interview because he did not want anyone to do PR work for Michael Jackson, right?
A. When I was on the phone with Mr. Geragos when I was on the set of Access Hollywood, that was one of the things that he told me at that time. He didn't say anyone ever, he just said for that day. He wanted me to stay around, to stick in town, he wanted to talk to me. He wanted me to come in the next day, sign a private investigator's agreement, and then he would -- he would fill me in on the rest, is exactly what he said to me.
Q. Again, let me just rephrase the question. You told the police you were told by Geragos that you were pulled off the interview because he did not want anyone to do PR work for Michael Jackson, right?
A. Well, as you said, that's a summary of my tapes --
Q. Okay.
A. -- and I don't remember saying those words exactly.
Q. Didn't you tell the police that this made no sense to you?
A. Yes, I did.
Q. It made no sense that Geragos would not want

you on the show for that reason; is that correct?
A. It made no sense that no one on the team would try to do anything publicly to refute the absolutely horrible things that were coming out about Mr. Jackson.
Q. Okay. And you told the police you thought Michael Jackson was being slammed by this team, correct?
A. Yes, I believe I did.
Q. The word you used was "slammed," right?
A. I believe so, yes.
Q. You thought they were not doing their job to help Michael Jackson, right?
A. Well, they were there longer than my six days, so maybe I was wrong.
Q. I'm not asking maybe. But, basically, your opinion at that point was that this team is not out to protect or help Michael Jackson?
A. That was absolutely my opinion, yes.
Q. You told the police that Access Hollywood had a fax from Mr. Geragos saying, "Don't interview Gabriel," right?
A. That's correct, yes, sir.
Q. Did you actually see the fax?
A. Yes, sir, I did.
Q. You told the police that LeGrand and Geragos clashed over several things, right?
A. Yes, sir, that's correct.

Q. And you were getting your information about that from LeGrand, weren't you?
A. Yes, sir. That's correct.
Q. And you told the police you thought Konitzer brought Geragos in because Konitzer had power of attorney, right?
MR. AUCHINCLOSS: Objection; hearsay. And --
THE COURT: Overruled.
MR. AUCHINCLOSS: -- speculation. No foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Can you repeat the question? I'm sorry.
Q. BY MR. MESEREAU: Yes. You told the police that you believe Konitzer brought in Geragos because Konitzer had a power of attorney, right?
A. I believed that because Mr. Konitzer had the power of attorney that allowed him to make the decision to bring Geragos into the team, yes.
Q. Now, did you discuss that with Mr. LeGrand at any time?
A. Did I discuss Mr. Geragos being brought in?
Q. Yes.
A. And that Mr. Konitzer had brought him in?
Q. Yes.
A. I don't remember. I mean, I'm sure that we

did, but I don't remember in specifics. I just remember that David was not happy with Mr. Geragos.
Q. Okay. Did you ever see this power of attorney that Konitzer had --
A. No, sir, I never saw it.
Q. -- over Mr. Jackson? You never saw it?
A. No.
Q. You learned everything about that from Mr. LeGrand, right?
A. Yes, sir, that's correct.
Q. Okay. And you were fired through an e-mail by Konitzer, right?
A. Well, no. It was through an e-mail by David. David sent me the e-mail.
Q. Well, you told the police that you were fired on February 15th by an e-mail from Konitzer, didn't you?
A. David sent me the e-mail. I'm sure that I said that David sent me the e-mail.
Q. Okay. Would it refresh your recollection if I just show you the report?
A. You can show me the report, but the e-mail didn't come from Ronald. The e-mail came from David. And I can tell you what it said, if you would like me to.
Q. No, that's okay. But you're saying you didn't tell the sheriffs Konitzer sent it. You told them David sent it, is that right?

A. I don't remember if I said specifically David sent it. But the e-mail said that Ronald made the decision, so that may be why it reads that way.
Q. Okay. You told the police you had sent an e-mail to Konitzer, right?
A. That's correct.
Q. And you told the police you sent an e-mail to Konitzer saying, "Schaffel, Backerman and Weizner have no plan of action and that Michael Jackson is going to get skewered on national T.V.," right?
A. Again, I would have never said Weizner, because I never heard Dieter's name during that time. And, yes, I probably did say that Michael was going to get skewered. And that was -- one of my major concerns was that there was no plan of action to protect his interests from scurrilous accusations.
Q. Okay. Okay. Was there ever any discussion between you and members of this team about getting rid of Backerman and Schaffel?
A. In the e-mail that I sent to Ronald, I detailed reasons why I thought that he needed to get rid of Mr. Backerman and Mr. Schaffel, yes.
Q. Did you actually tell him he ought to do that?
A. I put it in the e-mail to Mr. Konitzer, yes, I did.
Q. And why did you think Mr. Backerman should

go?
A. Because he had done things that I felt were detrimental to the positive public relations effort we were trying to move forward.
Q. Okay. To make a long story short, you thought you had a better plan to protect and represent Mr. Jackson than this team, right?
A. I believed that I had Mr. Jackson's public relations interests at heart much more than Mr. Backerman or Mr. Schaffel, yes, absolutely.
Q. What about the other members of the team? Did you think you had more of an interest in doing a good job for Mr. Jackson than the other members, like Mr. Geragos?
A. I didn't know what Mr. Geragos's position was. So I can't speak to their intentions. I don't know. I can only speak to what I know.
Q. Okay. You told the sheriffs that when you saw the Bashir interview, it disgusted you and made you ill, right?
A. Yes, that's correct.
Q. And you told them, the police -- pardon me, I keep saying "police" -- the sheriffs that Konitzer and Weizner have a record of making very bad business deals, right?
A. Yes, that's correct.
Q. You told the sheriffs that Konitzer and Weizner have scammed people out of millions of

dollars, right?
A. Yes, that's correct.
Q. You told the sheriffs that after you were fired by Konitzer, Mr. LeGrand hired you to do public relations work, right?
A. Yes, that's correct.
Q. Now, was that for his law firm?
A. No, that was for him personally.
Q. Him personally?
A. Uh-huh.
Q. To your knowledge, was he a partner at a law firm then?
A. Yes, that's correct.
Q. You told the sheriffs LeGrand ran a background check on Konitzer, right?
A. I didn't hear your question, I'm sorry.
Q. You told the sheriffs that LeGrand was doing a background check on Konitzer, right?
A. Yes, he did.
Q. Did you encourage him to do that?
A. Yes, I did.
Q. Because you were suspicious of what Konitzer was up to, right?
A. I was suspicious of everything, yes.
Q. On that team?
A. On that team, yes.
Q. Did you tell that to Mr. LeGrand?
A. Yes, I did. Many, many times.

Q. Okay. You told the sheriffs that it was your understanding that LeGrand and Konitzer had been casual friends for about nine years, right?
A. That's what David told me, yes.
Q. And you told the sheriffs you thought Konitzer hired LeGrand because he thought LeGrand would be quiet and just do his job, correct?
A. Yes, that's correct, that's what I said.
Q. But at some point you learned that LeGrand started an investigation of Konitzer, right?
A. At some point I pushed David to go in that direction, yes.
Q. And you pushed David to investigate a lot of other people, didn't you, besides Konitzer?
A. Who?
Q. Malnik.
A. No. I didn't push David to investigate Al Malnik.
Q. But you learned that he was investigating him, didn't you?
A. I don't remember David ever telling me that he was investigating Al Malnik.
Q. How about Schaffel?
A. I don't remember David ever telling me he was investigating Marc Schaffel either.
Q. Okay. So you don't know anything about that investigation, if it existed, right?
A. No, sir, I don't.

Q. Never seen any documents that LeGrand showed you about those people being investigated?
A. No, sir, I did not.
Q. Okay. You told the sheriffs that LeGrand would not have investigated if you had not put these questions in his head, right?
A. I believe that to be true, yes, because he told me in the beginning that I was overreacting.
Q. Okay. And you told the sheriffs that once LeGrand started doing his investigation and background checks on Konitzer, he spoke with accounting people and found out Konitzer had embezzled $980,000 from Mr. Jackson, right?
A. That was the total figure that he told me, yes.
Q. You told the sheriffs that one thing of value that Michael Jackson has is a Sony catalog, correct?
A. That's correct.
Q. How did you learn about the Sony catalog?
A. Through several sources.
Q. Can I ask you who they are?
A. Well, first of all, public knowledge. And of course David told me.
Q. And what is your understanding of what the Sony catalog is?
A. It's a collection of music, copyrights on music.

Q. And what kinds of music are you talking about?
A. Popular music. But basically music from The Beatles and other artists.
Q. You told the sheriffs your understanding was that Sony had an interest in that catalog, along with Mr. Jackson, right?
A. Yes, that's correct.
Q. And you told the sheriffs that you thought Konitzer was being paid to isolate Michael Jackson, create Michael Jackson's downfall so Sony can get the catalog back, didn't you?
A. No, that's not what I said.
Q. Would it refresh your recollection if I show you the report?
A. You can show me the report, but that's not what I said.
Q. Did you ever say the following, Ms. Kite: "Gabriel said it makes sense to her that Konitzer and Weizner were being paid to isolate Michael Jackson and let him do his own thing and let him create his downfall so that Sony can get the catalog back"?
A. No, sir.
Q. Never made that statement?
A. Not in that way, never, sir.
Q. Okay. Did you ever tell the sheriffs you thought the recording industry was just as bad as Al

Malnik?
A. I probably did, yes.
Q. Okay. Now, you read this report before you came in to testify, right?
A. Yes, sir, I did.
Q. Did you ever point out to anyone that you thought some of the statements were not accurate?
A. Yes, sir, I did.
Q. Who was that?
A. To Gordon.
Q. When was this?
A. I don't remember.
Q. You don't remember? You talked to him for a couple of hours two nights ago, correct?
A. Yes, sir.
Q. Did you talk to him about the report then?
A. No, I don't believe I did talk to him about the report then.
Q. Okay. You told the sheriffs you're not saying that Sony is paying Konitzer and Weizner, but if you could prove it, you'd love to?
A. Yes, I said that as a facetious remark. Absolutely. I did say that.
Q. You told the sheriffs you have a lot of sources inside of Sony, correct?
A. That's correct, yes.
Q. And you told the sheriffs that those sources inside of Sony have told you that they've been

waiting for years to get the Sony catalog back from Michael Jackson, correct?
A. Yes, sir, that's correct.
Q. And you told the sheriffs that if you look at Konitzer and Weizner's track record, they're not the type of people that should be managing anything for Michael Jackson, right?
A. Yes, sir, that's what I believed, yes.
Q. Told the sheriffs, "If you look at their track record, they're not good business people," right?
A. Yes, sir, that's correct.
Q. You told the sheriffs that they caused Michael Jackson to lose his logo in the United Kingdom?
A. Yes, sir, that's correct, I did say that.
Q. How did you know that?
A. I read that through news reports and I believe David confirmed that for me.
Q. And you thought -- you told the Santa Barbara sheriffs you thought Konitzer and Weizner were tight with Schaffel, right?
A. Yes, sir, that's correct, I did.
Q. And you thought they all were hurting Michael Jackson, right?
A. Yes, sir, I do, absolutely.
Q. And you still believe that, right?
A. Yes, absolutely.

Q. You told the Santa Barbara sheriffs that you think somewhere down the line Konitzer and Weizner were going to get a payoff, right?
A. I don't remember -- you know, I don't remember using those exact words, and I don't know what context I would use it in.
Q. Would it refresh your recollection if I show you the report?
A. Sure you can.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Have you had a chance to look at the report?
A. Yes, sir, I have.
Q. Does it refresh your recollection about what you said?
A. Yes, it does.
Q. And regardless of where you got your knowledge, I'm just asking if you said this to the sheriffs.
A. Yes, I believe I did say that, yes.
Q. So you told them it made sense to you that down the line Konitzer and Weizner were going to get some kind of payoff?
A. Yes, sir, that's correct. But that payoff could have been from a business interest; it could have been from any number of things.
Q. You told the Santa Barbara sheriffs you

believed that Konitzer, Weizner and Schaffel concocted the business with Janet Arvizo, right?
A. Again, I wouldn't have used Dieter's name, because I had no knowledge of Dieter at the time. That I believe they concocted the business with her? Meaning --
Q. That they were doing something with Arvizo --
A. Yes.
Q. -- that was harmful to Michael Jackson, correct?
A. Yes.
Q. And you were concerned that Schaffel and Konitzer had done something to Janet Arvizo as well, right?
A. Yes, sir, that's correct.
Q. So, basically what you were telling the sheriffs was, you think Michael Jackson's a victim and Janet Arvizo is a victim of these guys, right?
MR. AUCHINCLOSS: Objection; that's argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, again, you have no personal knowledge of what happened at the ranch with Miss Arvizo, right?
A. You're absolutely correct, sir, I have no personal knowledge of that.
Q. And you have no personal knowledge of really

anything Michael Jackson's done in his lifetime, because you've never been there to watch him, right?
A. That's absolutely correct, sir.
Q. And how many times did you talk to Schaffel about what he said happened to Janet Arvizo at the ranch, do you know?
A. After the first phone call in the morning?
Q. Uh-huh.
A. I don't know. Maybe two times, three times total that day. Not many.
Q. Uh-huh. Did he ever really describe to you what had happened at the ranch?
A. Other than telling me that they left the ranch, no.
Q. And he told you they returned, right?
A. He told me that the situation had been contained.
Q. And he also told you they returned.
A. That they had returned, yes.
Q. Did he ever give you any details about that?
A. About how they returned?
Q. Yes.
A. No, sir, he did not.
Q. So Schaffel never gave you any details about how they left or how they returned, right?
A. No. He just said they left in the middle -- in the middle of the night --
Q. Right.

A. -- or sometimeearly in the morning.
Q. Right.
A. And due to his level of agitation, I assumed they didn't go out in a chauffeur-driven limousine.
Q. Do you know how they went out?
A. No, sir, I do not.
Q. Did anyone ever tell you it was a chauffeur-driven car?
A. No, sir.
Q. Ever discuss that with Prosecutor Auchincloss?
A. No, sir, I did not, ever.
Q. Okay. But at one point you used the word "kidnap," didn't you, to the sheriffs?
A. Yes, sir, I absolutely did.
Q. But you didn't know she was kidnapped.
A. No, I didn't.
Q. You knew none of the details at all, right?
A. No, that was my own personal feeling based on Marc Schaffel's level of agitation.
Q. I guess it goes without saying, you didn't trust Mr. Schaffel very much either?
A. No, sir, I did not.
Q. You didn't trust Mr. Konitzer either?
A. No, sir, I did not.
Q. Did you trust Mr. Geragos?
A. I didn't trust or distrust Mr. Geragos.
Q. Okay. The ones you were most suspicious

about were Schaffel and Konitzer, right? Would that be accurate?
A. An accurate reflection would be to say that I was most suspicious about anyone who was taking their eye off of the devastation that was happening to Mr. Jackson at that time.
Q. Okay. And I guess it goes without saying, you were concerned about Mr. Jackson's welfare as a public relations professional?
A. Absolutely, sir, yes.
Q. You thought he was mistreated and misadvised, right?
A. Yes, sir. For the six days I was there.
Q. You've told the Santa Barbara sheriffs that Mr. Geragos was being paid by Al Malnik, right?
A. I don't remember saying that specifically. You can show me the report, and I remember reading that in the report, but I don't remember saying that specifically to them.
Q. Well, you told them that he was being paid by Malnik, but when they questioned you, you said it was just an assumption, didn't you?
A. I believe the context of that comment came from when Mr. Jackson was -- from when the ranch was raided in November, and Mr. Jackson was taken from Las Vegas back to L.A., or back here.
Q. Well, in referring to this interview, the one I've been asking you all the questions about --

A. Right.
Q. -- you told the Santa Barbara sheriffs that you assumed Mr. Geragos was being paid by Al Malnik, correct?
A. The fee for Mr. Geragos at the time to represent Mr. Jackson. Not during the public relations period that I worked there --
Q. Okay.
A. -- but after, later in the month. Yes, that's what I said.
Q. Okay.
A. Uh-huh.
Q. Let me just get it straight so I understand: You told the Santa Barbara sheriffs you thought Mr. Geragos was being paid by Al Malnik, but you're referring to a period after the six days you had worked?
A. Yes, sir, that's absolutely correct.
Q. Okay. Thank you.
Now, you made some statements about what you think a proactive public relations effort is. But you knew that a rebuttal film was being prepared that was supposed to be a public relations response to the Bashir tape, correct?
A. That's correct.
Q. And you told the Santa Barbara sheriffs that somebody was getting $3 million for that rebuttal video; right?

A. That's correct.
Q. Was it your understanding that Schaffel was getting that money?
A. No, it was my understanding that it was going into a corporation.
Q. Okay. Do you know what corporation?
A. Fire Mountain, I believe.
Q. Okay. So realistically, you knew that something was being done to respond to the Bashir video, right? Or, excuse me, the Bashir show?
A. Realistically, I knew that something was being done. Whether or not it was something that I agreed with or thought was the level that Mr. Jackson deserved is a totally different question.
Q. Did Schaffel or Konitzer really include you in the production of that rebuttal video?
A. What do you mean by "include"?
Q. Well, during the six days you worked with this team, did they ask you for any advice on how to do a rebuttal video?
A. Not on how to do the video. But Mr. Schaffel did call me to discuss with me who would appear on the video. And I told him that I felt very strongly that Mr. Jackson needed to appear on it to refute, himself, the claims that were being made against him.
Q. Okay. And were you asked anything else about what your thoughts were on that rebuttal

video?
A. I don't remember.
Q. Is that the only suggestion you gave, that you can recall?
A. That I can recall sitting right here right now, yes.
Q. Okay. Did you feel in some way that they were cutting you out of the development of that rebuttal video?
A. No, I didn't, because there were so many other fires going on and so many other things that needed to be done. And the way that that video was being structured wasn't really anything that I felt that I could give input to anyway.
Q. Did you think that video was being prepared with Mr. Jackson's interests in mind?
A. I believed that Mr. Konitzer and Mr. Schaffel were preparing -- were preparing it with Mr. Jackson's interests in mind, yes.
Q. But you thought they could do a better job, is that it?
A. Absolutely, yes, sir.
Q. Did you think they had a profit motive in trying to put that video together?
A. Yes, sir, I did.
MR. AUCHINCLOSS: I'll object and move to strike just as to foundation. And speculation.
THE COURT: Overruled.

Q. BY MR. MESEREAU: You told the sheriffs that Schaffel was part of an agreement with FOX Television regarding a rebuttal video, correct?
A. Yes, sir, that's correct.
Q. You told them that it was your understanding Schaffel had reaped some of those profits, right?
A. Yes, sir, that's correct.
Q. And you told the sheriffs that, if you saw it, you could identify Schaffel's agreement, correct?
A. Yes, sir, that's correct.
Q. Did you actually see the agreement at one time?
A. Yes, I believe I saw a draft copy of the agreement.
Q. Now, you never met Schaffel personally, right?
A. No, sir.
Q. How did you end up seeing Schaffel's agreement with FOX Television?
A. Because the initial agreement, David LeGrand called me and asked me to have a friend of mine in Chicago, who had done entertainment work, help him prepare it.
Q. Okay. And who was that?
A. Don Hancock.
Q. Okay. Did you help Don Hancock put that agreement together?

A. No, he did it pretty much on his own, because I was busy with other things.
Q. Okay. And it was your understanding the agreement was strictly between Schaffel and FOX; is that correct?
A. No, sir, that --
Q. What was your understanding in that regard?
A. It was my understanding that the agreement was being done on behalf of Mr. Jackson, but that there were stipulations in the agreement that Mr. Schaffel could and would profit from.
Q. Okay. At the time this was all being done, you thought Schaffel was trying to make a large sum of money on this, didn't you?
A. I didn't know how much money Mr. Schaffel was trying to make on it. I don't know.
Q. Did Schaffel ever discuss that with you?
A. How much money he would make on it?
Q. Yes.
A. Not that I remember, no.
Q. Did you ever discuss that with Konitzer?
A. How much money Mr. Schaffel would make on something like this?
Q. Yes.
A. Not that I remember, no, sir.
Q. Was it your understanding that Mr. Konitzer was going to make money on this video?
A. No, sir. That wasn't my understanding of

why the video was being made.
Q. All right. Let me explore that for a second. You certainly believed people were trying to make money on this rebuttal video, right?
A. That's correct.
Q. You thought Schaffel was one of them, right?
A. That's correct.
Q. Did you think anyone else was making money on it?
A. Yes, sir, that's correct, I did.
Q. Was that Konitzer?
A. No, it wasn't.
Q. Who was it?
A. Mr. Jackson.
Q. Okay. How did you know that?
A. Because David LeGrand told me.
Q. Okay. Did you think LeGrand was going to make any money on it?
A. I didn't ask him. I had no idea.
Q. Okay. Okay. Did you look at the draft of the agreement?
A. I don't remember. I may have, but I really -- after I spoke with Don initially, I put him in touch with David, and they pretty much took care of it.
Q. But you never discussed, obviously, with Mr. Jackson any role he had in this video at all, right?
A. No, sir, I did not.

Q. And you never actually watched Mr. Jackson play any role in this, did you?
A. No, sir, I did not. No.
Q. You told the sheriffs that there were two deals with FOX, correct?
A. Yes, sir, that's correct.
Q. One was for a $3 million deal and one was a $2 million deal?
A. Yes, sir, that's correct.
Q. The first was a videotape that Schaffel or someone named Christian had videotaped, right?
A. They were involved in it, yes.
Q. And the second had to do with Michael Jackson home videos, right?
A. Yes, sir, that's correct, sir.
Q. Did you play any role in the development of these home videos?
A. No, sir.
Q. Have you ever seen the rebuttal video that was telecast by FOX?
A. Yes, I believe I did.
Q. When did you see it?
A. I don't remember. I don't remember. It may have been around the time that it was shown or it may have been later. I truly don't remember.
Q. Did you ever see the home videos you referred to?
A. I believe I did, but I don't remember.

Q. Were you asked advice on the development of the home videos?
A. David and I had discussed that before when we talked about a plan to -- to rehabilitate Mr. Jackson's image, but that was before it actually came into being.
Q. Okay. You told the sheriffs that Geragos was paid money by Malnik, right?
A. Yes, sir, I did.
Q. And you learned that from Mr. LeGrand; is that correct?
A. I don't remember who I learned that from. And I believe, again, you're talking about the time after I was there for the six days. And I don't remember if it came from Mr. LeGrand or not. I don't remember.
Q. You told the sheriffs that you were told by LeGrand that the remaining money owed to Geragos was paid by Al Malnik, to, quote, "keep this thing going," correct?
A. Yeah, that's probably true.
Q. Okay. You told the sheriffs you did not know what the connection was, if any, between Malnik and Michael Jackson, right?
A. That's correct, yes.
Q. Because you've never seen Mr. Malnik with Mr. Jackson, right?
A. Just in the newspaper like everyone else,

that's correct.
Q. And you never met Mr. Malnik personally, right?
A. No, sir, I never did.
Q. You told the sheriffs you kept quizzing Mr. LeGrand about Malnik and the video and what this team is doing, right?
A. After -- when I went to work for David public-relations-wise? Is that your question?
Q. Yes.
A. I mean, I'm asking you timeframe-wise.
Q. Yes.
A. Yes, that's correct.
Q. And he would often give you information, right?
A. Yes, that's correct.
Q. Okay. And you told them that Mr. LeGrand is scared of an attorney named John Branca, right?
A. That's what he told me, yes, sir.
Q. And you told them that he was scared of Branca because he had fired Mr. Branca, correct?
A. Yes, sir, that's correct.
Q. "He" being LeGrand?
A. Yes, sir, that's correct.
Q. And you told the sheriffs that Mr. Branca had worked for Mr. Jackson off and on for approximately 20 years, right?
A. Yes, sir, that's correct.

Q. And you told them Mr. Branca gets a percentage of music deals that Michael Jackson signs; is that correct?
A. Yes, sir, that's correct.
Q. How did you know that?
A. Mr. LeGrand told me that.
Q. And you told them that Branca has an account that this money goes to, right?
A. Yes, that's correct.
Q. And Mr. LeGrand told you he was scared of Branca because he knew a lot about what Branca was doing with Michael Jackson's money, correct?
A. I don't remember that I phrased it that way.
Q. How did you phrase it, if you know?
A. I just remember saying that Mr. LeGrand was afraid of Mr. Branca.
Q. Did Mr. LeGrand tell you he was suspicious of what Mr. Branca was doing with Mr. Jackson's money?
A. I don't remember him using the word "suspicious." I don't remember specifically what he said about it.
Q. Okay. But based upon your conversations with LeGrand, you formed the conclusion that LeGrand was suspicious of what Branca was doing with Mr. Jackson's affairs, true?
A. I can't answer that, because I can't speak to what was in David's mind. I don't have -- you

know, I don't know how I could form an opinion at that point.
Q. But you told the sheriffs that LeGrand told you that he was physically afraid of Branca, right?
A. Yes, he did.
Q. You told the Santa Barbara sheriffs that Mr. LeGrand would refer to Al Malnik as "Uncle Al," correct?
A. That's correct, he did.
Q. Did he tell you he was afraid of Uncle Al?
A. No.
Q. Okay. Didn't you tell the Santa Barbara sheriffs that Mr. LeGrand told you, "Mr. Malnik has connections, and I don't want to see anyone end up dead in an alley"?
A. He didn't say it in that context, sir. Not at all.
Q. Okay. I'm not asking you in what context he said it, but didn't you tell the sheriffs that LeGrand told you that?
A. I did not make a statement like that, no.
Q. Would it refresh your recollection if I show you the report?
A. You can show me the report, and I know what you're referring to, and I did not make a statement like that.
Q. You were misquoted, do you think?
A. I think so, yes. I know exactly what that

statement was referring to.
Q. Just correct me if I'm wrong. You didn't tell the Santa Barbara sheriffs that LeGrand told you words to the effect, "I know Malnik has some connections and I don't want to see anyone end up dead in an alley"?
A. You're taking it totally out of context. No. Mr. -- Mr. LeGrand never said anything to me or words to those effect, using it the way you are in the statement, no.
Q. Okay. You told the Santa Barbara sheriffs words to the effect that you thought Konitzer and Schaffel and others were conspiring against Michael Jackson, correct?
MR. AUCHINCLOSS: Objection; foundation. Also requires hearsay to form that opinion.
THE COURT: The objection's overruled.
You may answer.
THE WITNESS: I don't believe I said words to the effect that I believe they were conspiring against Mr. Jackson. What I did say was that I believed that their actions were not beneficial to Mr. Jackson.
Q. BY MR. MESEREAU: But you certainly discussed with Mr. LeGrand Mr. LeGrand's concern about what these individuals were doing to Mr. Jackson, correct?
A. It was my concern about the way that Mr.

Jackson's public relations image was being handled, and I took that concern continuously to Mr. LeGrand.

Q. But I'm not asking you about that. You and Mr. LeGrand repeatedly discussed his concerns and your concerns that these characters were taking advantage of Mr. Jackson, correct?

A. My concerns, which David told me several times that I was overreacting, until I continued to press him on it, and he began the investigation.

Q. Okay. Thank you.

You told the sheriffs that Konitzer told you Michael Jackson hadn't seen Mr. Schaffel for months, right?

A. That's correct, yes.

Q. You told the Santa Barbara sheriffs that Konitzer said, "Schaffel's a good guy"; is that right?

A. That statement is in the report, but it wasn't Mr. Konitzer that said that about Mr. Schaffel.

Q. He never said that to you?

A. Not to my recollection.

Q. Okay. And you told the sheriffs you felt that Konitzer, Weizner and Schaffel manipulated Mr. Jackson to get whatever they wanted, right?

MR. AUCHINCLOSS: Objection. Calls for a conclusion; speculation.

THE COURT: Overruled.

THE WITNESS: I don't believe I said they manipulated Mr. Jackson. I believe I said they manipulated the situation.

Q. BY MR. MESEREAU: But the situation had everything to do with Mr. Jackson's welfare, right?

MR. AUCHINCLOSS: Objection; argumentative.

THE COURT: Sustained.

Q. BY MR. MESEREAU: You told them Mr. LeGrand would continually talk to you about what was occurring with Michael Jackson and seek your advice?

A. That's correct.

Q. And did he do that?

A. Yes, he did.

Q. You complained about Al Malnik, correct?

A. I complained about -- well, I don't know if "complained" is the right word. But I told Mr. LeGrand that I was afraid that a high-profile public association with Mr. Malnik, compounded with everything else that Mr. Jackson had going on, would be very detrimental to him, yes, I did.

Q. Did you discuss with Mr. LeGrand that Al Malnik had connections with Sony?

A. I don't remember ever discussing that with Mr. LeGrand.

Q. Did you and Mr. LeGrand ever discuss Al Malnik's connection to the catalog?

A. I don't remember.

Q. Now, you indicated to the sheriffs, and I

believe you testified today that Mr. Geragos wanted you to sign a private investigator's nondisclosure, correct?
A. That's correct, sir.
Q. And was it your understanding that he wanted to call you a private investigator?
A. I had no understanding. I can just tell you what he said to me. That's all.
Q. But, I mean, was your reaction to this, "He's trying to make me look like a private investigator so everything is confidential"? Is that the idea?
A. Um --
Q. Is that what you thought? Let me rephrase the question. It's an awkward question.
I gather Mr. Geragos told you he wanted you to sign this form, true?
A. That's correct.
Q. And your understanding was it was a nondisclosure form, right?
A. I -- I don't think "nondisclosure" would cover it. I think it was ratcheted up -- you know, a step up from a nondisclosure.
Q. Well, correct me if I'm wrong, you told the Santa Barbara sheriffs that Mr. Geragos wanted to bring you in under a private investigator's nondisclosure. Does that sound right?
A. Yeah. I don't remember using the word

"nondisclosure," but, yes.
Q. And when he talked to you about this, was it your belief that he wanted you to sign something that pledged you to confidentiality?
A. It sounded to me like it was pledging me to more than confidentiality.
Q. Well, and it was going to be under the guise that you were somehow an investigator, right?
A. I don't know what it would be under the guise of. I just --
Q. Well, let me just ask you this: What did he tell you about that?
A. He said to me exactly what I said. He asked me to stay in town overnight. He wanted me to come into the office the next day. He wanted me to sign the private investigator's agreement, and then he would fill me in on everything that was going on.
Q. Okay. And you didn't feel good about that, right?
A. No, sir, I did not.
Q. Something seemed wrong with that?
A. Yes, sir, it did.
Q. Because you're not a private investigator, right?
A. That's correct.
Q. You didn't like the idea you'd sign something that said you were something you're not, right?

A. That was part of it.
Q. Okay. You also didn't want to be "gagged," as you used the word with the sheriffs, right?
A. That's correct.
Q. You wanted to be free to discuss your work with anyone you wanted?
A. No, that's not true. I put together the situation that happened the day before with Marc Schaffel calling me about Janet Arvizo. 24 hours later, Mr. Geragos is telling me that -- after I had already spoken to Ronald and asked him about the situation, spoken to David, and David said he couldn't talk to me about it right now. Then Mr. Geragos is asking me to stick around 24 more hours and come in and sign something and he would talk to me. I didn't know what it meant.
But obviously I wasn't -- obviously I didn't go around talking to the press about it, because it didn't get out, so....
Q. Actually, you had signed an agreement at some point to be a public relations person with the team, didn't you?
A. Yes, sir, I did.
Q. That actually had a confidentiality clause, didn't it?
A. I don't believe it did, sir.
Q. Didn't have any?
A. No.

Q. So when you signed an agreement, you thought you were free to say whatever you wanted that you heard from that team?
A. I did not have a confidentiality agreement in that agreement. But that didn't mean I was seeking to actively breach a confidence.
Q. Well, you talked in your direct examination about an agreement.
A. Yes, sir.
Q. And you signed a consulting agreement, didn't you?
A. Yes, I believe so.
Q. And you probably sign them in your work quite often, true?
A. Yes, I do. But I remember looking at this one at Mr. LeGrand's office and there wasn't anything in there about confidentiality, in that agreement.
Q. Okay. Did you have further discussions with Mr. Geragos?
A. After that day?
Q. Yes.
A. No.
Q. Now, you don't know how often Mr. Geragos spoke to Mr. Jackson, do you?
A. No, sir, I don't.
Q. So if Mr. Geragos hardly ever saw Mr. Jackson or talked to him, you wouldn't know one way

or the other, right?
A. No, sir, I wouldn't.
Q. Mr. Geragos told you, "I want to see if I can keep you on the team," didn't he?
A. Yes, he did, sir.
Q. And when did that discussion happen?
A. I don't remember.
Q. You told Mr. Jackson you were concerned about Konitzer, Weizner, and Schaffel, right?
A. Again, I wouldn't have said Dieter's name. But, yes, I believe I told him that.
Q. As I think you know in this report --
A. I understand it says that. I know. I just want to make sure that you know.
Q. Okay. But you told Mr. Geragos you were concerned about what Konitzer and Schaffel were doing, right?
A. I believe so, yes.
Q. And you arranged to meet with Mr. Geragos on some future dates, right?
A. Yes, I did.
Q. And they never happened, right?
A. No, they did not.
Q. To your knowledge, why did they get cancelled?
A. Mr. Geragos told me that he was in court.
Q. Any other reasons?
A. Not to my knowledge, no.

Q. Didn't you tell the Santa Barbara sheriffs that you quit pursuing a meeting with Mr. Geragos because there were more things that LeGrand was telling you and you had more distrust for Mr. Geragos?
A. That's correct. I thought you were asking me about on Mr. Geragos's part why they didn't happen. Yes, that's correct.
Q. And your understanding was that Mr. LeGrand didn't trust Mr. Geragos, correct?
A. That's what he told me, yes, that's correct.
Q. And one of the reasons he told you he didn't trust Mr. Geragos was he thought Mr. Geragos was tight with Mr. Malnik, true?
A. I don't remember.
Q. Well, he told you that he thought Mr. Geragos was being paid by Al Malnik, correct?
A. But that was after. You're taking two instances and juxtaposing them.
Q. Okay.
THE BAILIFF: Mr. Mesereau, is your microphone on?
MR. MESEREAU: I haven't looked.
THE COURT: Oh, has he been talking?
(Laughter.)
THE BAILIFF: We'll fix it at the break.
MR. MESEREAU: We'll start again, Your Honor.

(Laughter.)
THE COURT: Did you hear that? Screams of protest from the jury.
MR. MESEREAU: Doesn't work at all.
THE BAILIFF: Do you want me to fix it now or wait till the break?
THE COURT: Actually, he's heard quite well, I think. Do people in the back hear him?
A VOICE FROM THE AUDIENCE: No.
THE COURT: You should signal if you can't hear.
A VOICE FROM THE AUDIENCE: We did; we have.
THE BAILIFF: They have been, and I turned the air conditioner off.
THE COURT: You've been working on it, okay.
(Discussion off the record.)
THE COURT: Why don't you call.
THE BAILIFF: I did call.
BAILIFF NARRON: She did. I thought in the meantime they could use that one.
THE COURT: Why don't you say something so we can see if they can hear you in the back.
MR. MESEREAU: "Hello; hello."
A VOICE FROM THE AUDIENCE: Very good.
MR. MESEREAU: Thank you.
Q. Ms. Kite, you told the sheriffs that, from the outside looking in, your opinion was that Michael Jackson did not know the things that

Konitzer and the team were doing around them, right?
A. Yes, sir, that's correct.
MR. AUCHINCLOSS: Objection; requires speculation. She's never met Michael Jackson. There's no way she could have knowledge of what Mr. Jackson knows.
THE COURT: Overruled.
THE WITNESS: Yes, sir, that's correct. I said that.
Q. BY MR. MESEREAU: Now, did you say before that you had never issued any press releases while you worked for the team?
A. I wrote a press release, but I don't believe it ever went out on the wires.
Q. Okay. Didn't you tell the Santa Barbara sheriffs that you personally wrote various press releases that went out and got the approval from Schaffel?
A. I don't believe -- I wrote press releases and I sent them to Marc Schaffel for approval, but they did not go out.
Q. None of them went out?
A. No. Not to my knowledge, no.
Q. Did you tell the police that some went out?
A. I don't believe that I said that they went out or they didn't. I remember saying that I wrote the releases and I got -- you know, sent them to Marc Schaffel for approval.

Q. Would it refresh your recollection if I just show you the report?
A. You can show me the report, but I don't -- if that's what it says, I don't remember saying that they did or didn't. I distinctly remember writing the releases and sending them to Mr. Schaffel for approval, and Mr. Konitzer.
Q. And you told the Santa Barbara sheriffs you don't think Michael Jackson even knew about these releases, correct?
A. That's correct, yes, I did.
THE COURT: Just a moment.
(To a sound technician) Why don't you just wait till the break. And then you'll be better able to -- 15 minutes.
Go ahead.
MR. MESEREAU: Oh. I thought we were taking a break. Excuse me, Your Honor.
THE COURT: No, I wanted -- I didn't want him to try and fix that while you were trying to ask questions. We have sound right now, so --
Q. BY MR. MESEREAU: Do you know someone named Jermaine Jackson?
A. Yes, I do.
Q. Who is Jermaine Jackson?
A. Jermaine is Michael's brother.
Q. Do you know him personally?
A. Yes, I do.

Q. How do you know him personally?
A. I met with him.
Q. Approximately when was that?
A. I believe in April of 2003.
Q. And did you arrange that meeting?
A. Mr. Jackson and I, Jermaine Jackson and I, spoke on the phone and arranged it together, yes.
Q. Did you call him?
A. He called me initially.
Q. Okay. Do you know how he got your number?
A. Yes, from Rita Cosby at FOX.
Q. Did you meet with Jermaine?
A. Yes, I did.
Q. Where did you meet with him?
A. At his home in Encino, California.
Q. You told Jermaine Jackson that Al Malnik and other people pretended to be Michael's friends, but were not, true?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't remember saying that to Mr. Jackson.
Q. BY MR. MESEREAU: You met with Jermaine Jackson for approximately six or seven hours, right?
A. For several hours, yes.
Q. And you told the Santa Barbara sheriffs about that meeting, true?

A. Yes, that's correct. I did.
Q. And you mentioned Al Malnik, correct?
A. Yes, I did.
Q. You mentioned Konitzer, correct?
A. Yes, I did.
Q. You mentioned Geragos, correct?
A. I don't remember if I mentioned Geragos. I don't remember.
Q. You mentioned Schaffel, didn't you?
A. Yes, absolutely I did.
Q. You told Jermaine Jackson, "These people are not your brother Michael's friends," right?
A. I don't remember that those were my exact words.
Q. Would it refresh your recollection if I just show you the report?
A. Sure you can.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: That's not what it says. It says I told you about him and other people that were not Michael Jackson's friends, but it doesn't say -- it doesn't quote me as saying that --
THE COURT: Wait. When he shows you to refresh your memory, just look at it, and then you can tell him whether or not it does refresh your memory.
THE WITNESS: Okay. Okay.

Q. BY MR. MESEREAU: Have you had a chance to look at that police report?
A. Yes, I have.
Q. And did you tell Jermaine about Al Malnik and other people that were Michael Jackson's friends but were really not?
A. I did not say it in those terms. I told Mr. Jermaine Jackson about people that were associated with Mr. Jackson, but I don't -- and I did not say and it does not quote me in there as saying that these people were Mr. Jackson's friends but were really not. That's not what it quotes me as saying.
Q. Well, I want to ask you if this is a correct quote: "Gabriel said she told Jermaine Jackson about Al Malnik and other people that were Michael Jackson's friends but were really not." Did you say anything to that effect?
A. That is not a direct quote from me. That's not how it reads.
Q. Did you say words to that effect?
A. I told Mr. Jermaine Jackson about people that were associated with Mr. -- with Mr. Michael Jackson that I felt were detrimental to him. But I don't believe I ever said they were pretending to be his friend, but they're really not.
Q. So these words are wrong that I just read you?
A. The exact word using them as a quote is

wrong, yes.
Q. Yes. Yes. Now, Mr. Jackson's mother was at the meeting, correct?
A. Mr. Jackson's mother was at the house.
Q. Was she at the meeting?
A. No, she wasn't.
Q. Did you ever speak to her that day?
A. Yes, I did.
Q. And how long did you speak to her?
A. Just for a minute or two.
Q. Did Mr. Jermaine Jackson introduce you to Michael's mother?
A. Yes, he did. And to his wife also.
Q. Okay. Is it true the meeting went six or seven hours?
A. I was there for about six hours, yes.
Q. Okay. And you told the Santa Barbara sheriffs Jermaine was in a complete state of denial about the people around Michael Jackson, right?
A. That's what I felt, yes.
Q. And you told Jermaine words to the effect, "These people are taking advantage of Michael Jackson," true?
A. I told Jermaine Jackson that I believed, especially Marc Schaffel and his continued association with Mr. Michael Jackson, was going to be very detrimental to him, yes. And Mr. Jackson told me that his brother didn't associate with those

type of people.
Q. Okay. You told Jermaine Jackson you thought Michael needed to be around his family and away from these people, right?
A. Yes, I did.
Q. And you felt frustrated that you weren't getting through to Jermaine about your concerns, right?
A. I don't believe "frustrated" would -- I felt sad.
Q. You told the Santa Barbara sheriffs you thought that Michael Jackson's lawyers would just shut you up if you complained to them, correct?
A. I told them that I didn't believe it would do me any good to talk to Mr. Jackson's lawyers about what was going on, because they wouldn't want to hear anything I had to say, yes, that's correct.
Q. And when you say "Michael Jackson's lawyers," are you talking about Mr. Geragos?
A. Yes.
Q. Are you talking about Mr. LeGrand?
A. No. I mean, David always listened to what I had to say, so, no.
Q. How long after this meeting with Jermaine Jackson did you learn that Mr. LeGrand had started a private investigation of whether or not these people were defrauding Michael Jackson?
A. The investigation was started before the

meeting with Mr. Jackson.
Q. Okay. And did you discuss that investigation with David LeGrand.
A. The investigation that he started?
Q. Yes.
A. As it was ongoing?
Q. Yes.
A. Not to my knowledge, no.
Q. Did he tell you that he had suspicions that these people were stealing from Michael Jackson at some point?
A. He told me that he had called the accountants and got them to give him some information without Mr. Konitzer's knowledge, and that's how he figured out that there was an amount of money missing.
Q. Okay. But at some point did he say to you words to the effect, "I'm hiring a top-flight investigative firm to investigate all of these people, because I think they're stealing from Michael Jackson"?
A. No.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
THE WITNESS: No, he did not. We were on the phone. And he told me to call his managing partner and ask him to begin an investigation into these people.

Q. BY MR. MESEREAU: Okay.
A. And I sent an e-mail to the managing partner and said, "David asked me to e-mail -- to contact you and," you know, "begin an investigation."
Q. Okay. Okay. Now, you considered going to the police to tell them what was being done to Mr. Jackson, didn't you?
A. No, sir, I did not.
Q. Well, you told the Santa Barbara sheriffs that you didn't go to the tabloids or the police to tell them your story, right?
A. That's correct. Yes.
Q. But you had considered it, right?
A. Oh, no. I had no information or hard knowledge to go to the police with. And I certainly would never go to the tabloids with a story.
Q. When you told the Santa Barbara sheriffs you were concerned about what these people were doing to Michael Jackson, you also mentioned the names Frank and Vinnie, correct?
A. Yes, I believe I mentioned the names.
Q. And you told them you had heard Frank and Vinnie were involved with these individuals who you thought were defrauding Michael Jackson, correct?
A. No, I said I had heard the names. But I don't -- don't remember specifically commenting on the capacity of their involvement with Mr. Jackson.
Q. Okay. You told the police you had no

further information on Frank and Vinnie?
A. That's correct, I did.
Q. You also told the sheriffs that Stuart Backerman was brought in by Konitzer and you thought he would do anything Konitzer wanted, right?
A. Yes, I did.
Q. So clearly, you thought Mr. Backerman was harming Mr. Jackson, right?
A. Yes, I did.
Q. Okay. Did you think he was dishonest?
A. I -- I believed that anyone who would put out a press release on himself above serving the press interests of Mr. Jackson at a critical time was just not someone who would serve Mr. Jackson in the capacity that he deserved.
Q. Okay. I guess it goes without saying, you thought that Mr. Backerman's public relations efforts were harming Mr. Jackson; does that make sense?
A. I didn't believe they were helping Mr. Jackson.
Q. Okay. You felt he was putting his personal interests ahead of his client Michael Jackson?
A. Yes, sir, I did.
Q. Okay. Did you ever tell that to Backerman directly?
A. No, sir. I did -- Stuart and I had a conversation a few days earlier. He was extremely

upset because someone had quoted -- used my name in a newspaper and quoted me as being Mr. Jackson's spokesperson. And he called me to yell at me about that.

And I told him that this was not the time to nitpick about stuff like that; that I never asked to be called Mr. Jackson's official spokesperson. And that when the fire was burning, it was time to roll up the sleeves and pitch in and not worry about such petty things.

Q. When you met with Jermaine Jackson, Michael's brother, at the home, how long after you had been terminated did this happen?

A. Several weeks. Maybe six weeks. I don't remember. Four weeks. Somewhere around there.

Q. So it was pretty close to the time that you were terminated?

A. Yes, uh-huh.

Q. But in this six-day period that you were working with this team, you appear to have obtained an awful lot of information about the team, correct?

A. Yes, that's correct.

Q. Your information came a lot -- excuse me. Your information about this team came from many discussions with David LeGrand, true?

A. Yes.

Q. And those discussions preceded your joining the team, right?

A. Not -- David didn't really discuss information with me about the team per se before I joined the team. So I had no preconceived notions when I joined the team.
Q. After you left the team, you continued your discussions with David LeGrand, true?
A. Yes, that's correct.
Q. About the team, right?
A. In a manner of speaking, but not specifically.
Q. After you left the team, were you and LeGrand still close friends?
A. Yes, we were.
Q. Okay. And you're close friends today, correct?
A. No, we're not.
Q. You're not close friends at all?
A. No, sir.
Q. Are you antagonists?
A. No, I wouldn't -- no.
Q. How would you describe your relationship? Just not a friendly one now?
A. The last time that David called me was the day that the Santa Barbara Police came to interview me. And he left me a message and I didn't call him back. I didn't return the call. And -- because I didn't -- I didn't want to be put into -- in a bad position.

Q. Did the Santa Barbara sheriffs tell you not to speak to anybody about the interview?
A. Not to speak with anybody at all?
Q. About your interview, yes.
A. No, I don't remember that they said that to me, no. No, sir.
Q. Okay. So correct me if I'm wrong, he tried to reach you on March 11th, 2004, and you didn't return the call, right?
A. That's correct.
Q. And you haven't talked to him since, right?
A. No, sir, that's correct.
Q. Okay. Do you still do any public relations work for his firm or him?
A. No, sir.
Q. When did your public relations work for him stop?
A. Visibly, I would say probably sometime around the beginning of April. But throughout the summer and, you know, even up to around the time of the raid of the ranch, he would send me e-mails and ask me to check things out for him, or I would send him articles.
Q. Okay. You told the Santa Barbara sheriffs that Backerman was more concerned with his own public relations than taking care of Michael Jackson, right?
A. Yes, I did.

Q. And you still believe that, right?
A. Yes, I do.
Q. Now, did Backerman ask you to help him with his own press release about what a great guy he was?
A. Oh, God, no, he didn't.
Q. Did you see that -- did you see that press release by surprise, or how did you learn about it?
A. I saw it in the newspaper, yeah.
Q. Was this during the six days you worked for Michael?
A. Yes, sir, it was. I believe it was the 13th of February.
Q. And was it announcing that Mr. Backerman will be doing PR for Michael Jackson?
A. Yes, sir, it was.
Q. And you don't know if Backerman's ever met Michael Jackson, do you?
A. No, sir, I don't.
Q. Certainly in any discussions you had with Mr. Backerman, Michael wasn't there, right?
A. That's correct. If he was, I think he would have been very upset.
Q. Now, you told the police that Backerman was upset that there was an article about you in the New York Times saying that you represented Michael, right?
A. That's correct. It wasn't an article. It was a quote. I had received an overflow, what we

called an overflow call from a reporter who was looking for a quote on a story that he was going to run. I did not identify myself to that reporter as his spokesperson, and -- but when the report was printed, that's how it quoted me. And Mr. Backerman was extremely, extremely annoyed about that.

Q. Okay. What did he say to you?

A. He said, "How could you go around telling people that you're Mr. Jackson's spokesperson? I'm his official spokesperson, not you."

Q. And what was your response?

A. I won't give you my verbatim response. But my response basically was, "Stuart, it was a call that I took. I never told anyone that I am Mr. Jackson's official spokesperson. This -- our client is in severe trouble and this is not the time to be wasting an hour or so on the phone arguing about something so petty as this."

Q. And did you tell the sheriffs where Backerman was staying at that point in time?

A. Yes, sir, I did.

Q. Where did you tell the Santa Barbara sheriffs that Backerman was staying?

A. At Mr. Schaffel's house.

Q. How did you learn that?

A. From Mr. Backerman and from David LeGrand.

Q. You've indicated that you thought Schaffel -- excuse me, not "you thought." You were

told Schaffel's in charge of public relations at one point, right?
A. Yes, sir.
Q. Backerman told you he's in charge of public relations at one point, didn't he?
A. No, Backerman never said he was in charge of public relations.
Q. What did he say his role was?
A. He was Mr. Jackson's official spokesperson.
Q. And he told you that he was Mr. Jackson's official spokesperson while living at Mr. Schaffel's place; is that correct?
A. Yes.
Q. And, of course, you don't know if -- if Backerman even cleared anything ever with Michael Jackson. You don't know?
A. I have no idea if Mr. Backerman ever spoke with Mr. Jackson, no.
Q. Your suspicion was he was issuing press releases without Mr. Jackson even knowing about it, right?
A. Stuart never, to my knowledge, during the time I was there, issued a press release either. No releases except for Bell Yard's went out at that time.
Q. Okay. And you told the sheriffs that you didn't think Konitzer even filled in Backerman about all the information he had?

A. That's correct. Yes, I did.
Q. So you thought Backerman was being left in the dark about what Konitzer was doing, right?
A. I believed that there was an intense lack of communication among the team that could have worked to Mr. Jackson's benefit to help quench some of the fires.
Q. So what you wanted was a better team, a team with more integrity, correct?
A. What I wanted was a team that would be extremely proactive on Mr. Jackson's benefit.
Q. And you felt this team was putting their own interests ahead of Mr. Jackson's?
A. Yes, sir, I did.
THE COURT: Let's take our break.
(Recess taken.)
THE COURT: Counsel?
MR. MESEREAU: Yes. Thank you, Your Honor.
Q. Ms. Kite, you told the Santa Barbara sheriffs that you have no personal knowledge of anything Michael Jackson has done, correct?
A. That's correct, yes.
Q. You told them you had no personal knowledge that any molestation ever took place with Michael Jackson, correct?
A. That's correct, yes.
Q. You also told them you had no personal knowledge about Janet Arvizo ever being kidnapped,

correct?
A. Other than what I heard from Marc Schaffel and my own feelings.
Q. You told the police that you may be wrong, you may have overreacted, and maybe there was no kidnapping, right?
A. That was always a possibility, but that's not what I believed.
Q. Well, you told the police that, in your mind, maybe you're wrong; maybe you overreacted; maybe there was no kidnapping at all, right?
A. That's what I said, yes.
Q. Okay. For obvious reasons. You weren't there.
A. That's correct.
Q. Okay. You told them you can't imagine what it's like to be in a cage and watched all the time, right?
A. That's correct, yes.
Q. You told the sheriffs that you were on the phone with LeGrand and Schaffel when NBC was negotiating for footage regarding the rebuttal tape, right?
A. Yes, sir, that's correct.
Q. And that's the footage that eventually went to FOX, correct?
A. Yes, sir, that's correct.
Q. That's the footage that was produced in

response to the Bashir documentary, correct?
A. Yes, sir, that's correct.
Q. And you said that LeGrand issued a statement to the press that Geragos ordered to make NBC look bad, right?
A. No, that's not what I said. That's -- that's not what I said. If you'd like me to explain that incident to you, I'd be glad to.
Q. Is that wrong, what I just said? I'm just looking at the report. Is that wrong?
A. You're taking it out of context. Yes, it's wrong.
Q. Would it refresh your recollection if I just show you the paragraph?
A. You can show me the paragraph. I know what it's referring to, and it's a summary of what I said, and it's not correct.
Q. Okay. I didn't summarize it.
A. That's okay. I'm just letting you know.
Q. Okay. Okay. Did you complain that Mr. Geragos wanted to make NBC look bad?
A. No. I didn't say anything about Mr. Geragos trying to make NBC look bad, no.
Q. Do you know where the sheriffs got that remark?
A. I said it about Mr. Schaffel, not about Mr. Geragos.
Q. Okay.

A. And Mr. Geragos gave the okay to release the information.
Q. Okay. Did you tell the sheriffs that Mr. Geragos gave the okay to release information that was damaging to NBC?
A. Yes, I did.
Q. And correct me if I'm wrong, I think what you're saying is that Schaffel prepared that information, right?
A. What I'm saying is that Schaffel spoke with Mr. Geragos and Mr. LeGrand and pushed for the information to be released.
Q. Okay.
A. Yes.
Q. And did you object to releasing that information?
A. I didn't know about it when it happened. But when I found out, I objected vigorously, yes.
Q. Was that because you didn't want to make NBC look bad?
A. It was because I felt it was bad precedent, period.
Q. Okay. Was it your understanding that Schaffel and Mr. Geragos were trying to make NBC look bad?
A. It was my understanding that Mr. Schaffel in particular was trying to make NBC look bad.
Q. But you thought Mr. Geragos had okayed it?

A. David LeGrand told me that the okay came from Mr. Geragos.
Q. Okay. And you said you wanted to publicly exonerate NBC and CBS, true?
A. I remember saying NBC, but I don't remember saying CBS.
Q. Okay. You wanted to somehow make up for the fact that NBC ended up looking bad?
A. No, I didn't want to make up for it. I felt terrible for the fallout that NBC received based on the memo that Mr. Schaffel arranged to have released. It wasn't right and it wasn't fair.
Q. Okay. And did Schaffel tell you why he wanted to do this?
A. I knew why he wanted to do it. He didn't have to tell me.
Q. What did he tell you about it?
A. Well, he was upset because NBC was producing another special about Mr. Jackson and they were referring to Mr. Schaffel's past.
Q. Okay. Okay. And Mr. Schaffel also was upset that he wasn't getting any profit from that show, correct?
A. I don't know if he would have gotten profits from the NBC show or not. I don't know.
Q. Okay. All right. Did you believe Mr. Backerman was involved in that effort?
A. In what effort?

Q. The effort by Schaffel and Geragos.
A. To NBC?
Q. Yes.
A. To release that memo?
Q. Yes.
A. No, I don't believe so.
Q. Okay. Now, at some point you told the sheriffs that Geragos brought in another PR firm; is that right?
A. That's correct.
Q. Who was that?
A. Eric Dezenhall.
Q. From Washington D.C.?
A. Yes, I did.
Q. Did you ever speak to him?
A. Yes, I did.
Q. When did you last speak to him?
A. Probably in April of that same year, 2003.
Q. And did you speak to him about the work he was going to do?
A. I spoke to him -- David had asked me to speak to him about several different things.
Q. Okay. And you complained that Mr. Dezenhall told you that Mr. Jackson is not socially relevant?
A. Yes, he did say that.
Q. And you were upset that a public relations spokesperson would ever say that about a client, right?

A. Yes, I was.
Q. You were particularly upset that he would say that about his new client, Michael Jackson, right?
A. I was upset because I didn't believe, no matter what, that there would ever come a time that Mr. Jackson wasn't socially relevant.
Q. And you don't know if Mr. Dezenhall ever met or spoke to Mr. Jackson, do you?
A. No, sir, I don't.
Q. Your understanding is simply that Mr. Geragos hired him?
A. Yes, sir, that's correct.
Q. You complained that Mr. Dezenhall shouldn't make a statement like that about Mr. Jackson, true?
A. I don't know that I complained, but I -- I would never make a statement about that about a client of mine, no matter what.
Q. You accused him of doing nothing and saying nothing, right?
A. I didn't accuse him. I believed that he would be a very good fit for the team because he had the same hunker-down philosophy, the same philosophy of "Don't say anything. Don't put anything out. It doesn't matter what bad press is out there, we can't refute it. We're already behind the eightball."
Q. Did you complain that you thought Mr. Dezenhall was throwing his client to the wolves?

A. I don't remember saying that about Mr. Dezenhall.
Q. Did you use words to that effect?
A. I believe I said "the team," or I felt that basically that's what the team was doing to Mr. Jackson by not being proactive and responding for him in the press.
Q. Okay. You complained that Mr. Konitzer wanted to build a website called "MJJ Invincible," right?
A. I didn't complain. I stated that when I was hired, Mr. Konitzer asked to put up a website, and the URL that he wanted to use was "MJJ Invincible." And I told him I thought that was highly inappropriate, given the backlash that was out there with all of the -- with the Bashir documentary and everything else going on. I didn't believe that Mr. Jackson should put himself in that position to be subject to more ridicule from the press by having a website domain of that name.
Q. But you don't know if Mr. Jackson even knew about this idea, right?
A. No, sir, I don't.
Q. You said Konitzer was "out of his mind," right?
A. Yes, I did. I did.
Q. You said, "That's the last thing they should do," correct?

A. That's absolutely what I said.
Q. Okay. You thought that Mr. Schaffel was saying things to the press to get himself back in Michael Jackson's good graces, correct?
A. Yes, sir, I did.
Q. Because you knew that Mr. Schaffel was not in Michael Jackson's -- Michael Jackson's good graces, right?
MR. AUCHINCLOSS: Objection; requires speculation as to what she knew about Mr. Jackson's intent or knowledge.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did someone tell you that Marc Schaffel was not in Michael Jackson's good graces?
A. No one told me that specifically.
Q. Well, but you did tell the sheriffs you thought Schaffel was trying to get back into his good graces, true?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You told the Santa Barbara sheriffs that Michael Jackson has a lot of talent but never matured past the age of 12, right?
A. I didn't say it that way, no, sir.
Q. You said something to that effect, didn't you?
A. No, what I said to him -- to the sheriffs,

when they spoke to me, was that I felt that Mr. Jackson was very talented, extremely talented, but the way that he was portrayed was that he hadn't matured past the age of 12.

Q. Okay. And clearly, you didn't think this team was helping him deal with any of this, did you?

A. No, sir, I did not.

Q. You thought they were actually hurting him, didn't you?

A. Yes, sir, I did.

Q. Now, clearly you have never personally observed Mr. Jackson do anything wrong --

THE COURT: Counsel, you've asked that question ten times today. I want you to look at the jury and realize that they're tired of listening to this.

MR. MESEREAU: Okay.

THE COURT: You know, the -- you need to grasp the evidence and present it, not keep repeating it.

MR. MESEREAU: Okay. Yes, Your Honor.

Just a few more questions.

Q. Did you send the team a series of letters that appeared to have favorable responses to the Bashir documentary by e-mail?

A. I don't know what you're referring to.

Q. Well, did you ever send to -- just one second.

May I just take a second, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: When you first were retained, you were sending various e-mails to the team, correct?
A. Sending and receiving, yes.
Q. And you were trying to educate the team about responses to the Bashir documentary, correct?
A. I don't remember.
Q. Okay. Do you remember what the subject of those e-mails was?
A. I don't remember, sir. I sent a lot of e-mails during that time.
Q. Did you ever send an e-mail that basically said -- showed letters where people were saying they thought Mr. Jackson was being exploited in Bashir?
A. I don't remember.
Q. Okay. Do you remember ever discussing that?
A. We may have discussed it as a way to attack Mr. Bashir. But I don't remember. I mean, part of the plan was to try to get Mr. Jackson's image rehabilitated. So obviously anything that could show Mr. Bashir had ill intent towards Mr. Jackson would be very helpful to us.
Q. Did you investigate Mr. Bashir's background yourself?
A. No, sir, I didn't have the time.
Q. Did you plan to do that?

A. Yes, sir, I did.
Q. Did you take any measures to do that at all?
A. No. Not at the time, no.
Q. Did you hire anybody to do that?
A. No, sir, I didn't.
Q. Do you know Mr. Bashir?
A. No, sir, I do not.
MR. MESEREAU: Okay. No further questions.
THE COURT: Thank you.

REDIRECT EXAMINATION

BY MR. AUCHINCLOSS:

Q. Ms. Kite, you mentioned when you were referring to Mr. Dezenhall you had that hunker down approach?
A. Yes, I did.
Q. What did you mean by that?
A. Don't say anything to the press. Don't talk. If negative publicity comes out, you just brush it off and move on.
Q. Is that an uncommon philosophy in PR?
A. I think it's more uncommon, yes.
Q. Is it a nonexistent philosophy? I mean, is it very rare, I should say?
A. I would think that it would be more rare than common.
Q. Okay. Do some PR firms implement that philosophy?

A. Yes, they do.
Q. Was it evident to you that that was the philosophy of the team?
A. Yes, it is. Yes, it was.
Q. Including Bell Yard?
A. No, not Bell Yard.
Q. Okay. Everybody with the exception of Bell Yard?
A. Yes, that's correct.
Q. And did you have an impression as to whether or not the team thought that was the best way to go about these things, whether or not --
A. Whether to hunker down or not?
Q. Yes.
A. My impression was that they didn't want to do anything. They wanted to hunker down, because anything I asked to be able to do on behalf of Mr. Jackson I was told not to.
Q. Did you ever develop an impression as to why they wanted to hunker down?
A. My impression was that there was obviously something more important than Mr. Jackson's public relations going on.
Q. Okay. You said that you've never met Mr. Jackson.
A. That's correct.
Q. And do you know if anybody from Bell Yard, that you dealt with, ever met Mr. Jackson?

A. Not to my knowledge.
Q. And Mr. Backerman, you said, never met Mr. Jackson?
A. Not to my knowledge.
Q. Okay. There was some -- a statement made to you by Mr. Schaffel concerning Janet selling her story to the tabloids.
A. Yes.
Q. Do you recall talking about that?
A. Uh-huh.
Q. Did you ever have any information or knowledge that Janet wanted to sell a story to the tabloids?
A. No, sir, I did not.
Q. Did you ever have any information that Janet even had a story to tell the tabloids?
A. No, sir, I did not.
Q. Did you question anybody about that? "What's this story about?" Did you ever --
A. I thought it -- when Mr. Schaffel said that he was afraid she was going to sell her story to the tabloids, my first thought was, "What story?" But I never really questioned anybody about it.
Q. You said that one of the witnesses, I believe it was -- well, I can't recall. I believe you stated that Schaffel -- someone told you Schaffel hadn't seen Jackson for a couple of months.
A. Yes. Mr. Konitzer told me that in a

telephone call.
Q. Do you know if that's true?
A. I have no direct knowledge of that.
Q. What was the context of that conversation?
A. I was, again, extremely concerned, because the media was raising questions about Mr. Schaffel's background, and I wanted to be able to answer them. And Mr. Konitzer, I kept telling him, "This is not a good thing to have Mr. Schaffel continuously linked with Mr. Jackson in the press. We need to stop here this." And he told me at that point that Mr. Schaffel hadn't seen Mr. Jackson for a couple of months.
Q. Okay. But you have no idea whether that's true?
A. No, sir, I don't.
Q. Do you know anything about Mr. Schaffel's relationship with Mr. Jackson?
A. Not personally, no.
Q. As to how many times he talks to him or sees him or any of that?
A. No, I don't.
Q. What about Mr. Geragos's relationship with Mr. Jackson? Do you have any knowledge as to how often they talk or dealt with each other during this point?
A. No, sir.
Q. Mr. Konitzer, same question.

A. No, sir, I don't. I know that Ronald portrayed to me that he stayed at the ranch, that he talked directly to Michael, but I couldn't tell you if that's true or not.

Q. No personal knowledge. What about Mr. LeGrand? Did he tell you whether or not he talked with Mr. Jackson?

A. Yes, he did.

Q. What did he say about that?

A. Told me that he had talked to Mr. Jackson; that he met him in Miami when he went to do the power of attorney; that he went to Neverland to be there on a day that they were supposed to tape a special with CBS that got cancelled. And I don't remember the times after that, but I know there were other times after that.

Q. Did Mr. LeGrand have Mr. Jackson's phone number; do you know?

A. I'm sure he did. I never asked him.

Q. Did Mr. LeGrand -- you stated that Mr. LeGrand expressed some concerns to you about these people that were around Mr. Jackson. Did Mr. LeGrand ever express those concerns to Mr. Jackson, according to Mr. LeGrand?

A. Yes, he did.

Q. So he told you he did talk to Mr. Jackson about it?

A. Yes.

Q. And informed him of the problems?
A. Yes, that's correct.
Q. When did this happen?
A. In March. Mid March.
Q. You said that Mr. Konitzer had a power of attorney at some point?
A. Yes, that's correct.
Q. And do you know anything about the power of attorney?
A. The only thing that I know is David told me that it could be overridden at any time by the client and that it required two signatures.
Q. Okay. So, two signatures; what does that mean?
A. I don't know. That's just what he said.
Q. So the power of attorney required two signatures. Could you tell whether or not he was talking about actions taken under the power of attorney or the power of attorney itself?
A. I couldn't tell you.
Q. Okay. The FOX special. First of all, who is Fire Mountain? You testified briefly about Fire Mountain.
A. Fire Mountain is a corporation that David set up in Las Vegas.
Q. And who are the parties, the principals in that corporation?
MR. MESEREAU: Objection; foundation.

THE COURT: Sustained.
MR. AUCHINCLOSS: Okay.
Q. There was this NBC memo that Mr. Schaffel was upset about. Do you know what that was all about?
A. What the memo was about?
Q. Yes.
A. Yes, the memo was --
MR. MESEREAU: Objection. Hearsay; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: You said that the FOX rebuttal program produced -- or there was a contract for that program to produce $3 million, correct?
A. Yes.
Q. Okay. And you also said you believed some of that money went to Mr. Jackson?
A. Yes, I believe that.
Q. What did you base that on?
A. I just -- I guess based on what David said and -- I mean, I never saw money actually transferred into Mr. Jackson's hands, so --
Q. Did this transaction take place while you were working as a PR person?
A. Yes, it did.
Q. Were you upset about it?
A. Yes, I was.
Q. Why?

A. Because I said that I didn't believe that Mr. Jackson should have to sell the proof of his innocence.
Q. Was that a PR move on your behalf?
A. Yes, absolutely.
Q. Did you express your concern to anybody?
A. Yes, I did.
Q. To whom?
A. To Mr. LeGrand. To Mr. Schaffel. To Mr. Konitzer. To Bell Yard.
Q. Do you know why they didn't take your advice?
A. Yes, I did.
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did they tell you why they wanted money for this?
A. Yes, they did.
Q. What did they say?
A. Because there was no money.
Q. What do you mean?
MR. MESEREAU: Objection; the Court's ruling.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Was there any information -- you mentioned a number of fires burning, right? What did you mean by that?

A. Attacks on Mr. Jackson in the press.
Q. Okay. Were there any attacks on Mr. Jackson in the press concerning finances --
A. Yes.
Q. -- his finances?
MR. MESEREAU: Objection; the Court's ruling.
MR. AUCHINCLOSS: I believe this door has been opened.
MR. MESEREAU: I don't think it has, Your Honor.
THE COURT: The question, as presented, I'll allow, and the answer that was given. "Were there any attacks on Mr. Jackson in the press concerning finances?
"Answer: Yes."
That's as far as you can go at this time on that subject.
MR. AUCHINCLOSS: All right.
Q. Who did Mr. LeGrand -- he was an attorney. Who was he an attorney for?
A. Mr. Jackson.
Q. Anybody else, as far as you know? I mean, in this relationship with Mr. Jackson, was he an attorney for a corporation of Mr. Jackson's, or any other entity involving Mr. Jackson?
A. I don't know. I don't know.
Q. And as an attorney, who did he report to, as

Mr. Jackson's attorney?
MR. MESEREAU: Objection; foundation.
MR. AUCHINCLOSS: If you know; if you've been told.
THE COURT: Just a moment. I'm not quite sure what the question was.
I'll sustain the objection.
Q. BY MR. AUCHINCLOSS: You mentioned that the power of attorney at some point was revoked?
A. Yes.
Q. You were I believe referring to the power of attorney for Mr. Konitzer?
A. Yes.
Q. Do you know when that was?
A. In mid March of 2003. I believe it was sometime around the 12th of March.
Q. Do you know if that terminated Mr. Konitzer as an employee or from working for Mr. Jackson?
MR. MESEREAU: Objection; foundation.
MR. AUCHINCLOSS: Your Honor, she was asked a portion of statements.
THE COURT: That's true.
MR. AUCHINCLOSS: This is the full statement.
THE COURT: You're correct. I understand that. Just let me --
MR. AUCHINCLOSS: Thank you.
THE COURT: All right. The foundation

objection is sustained. But do you want the question read back so you know what I'm ruling on?
MR. AUCHINCLOSS: Sure. Thank you.
(Record read.)
MR. AUCHINCLOSS: All right. I'll rephrase the question.
Q. Did you learn from anybody that Mr. Konitzer was continuing to work for Mr. Jackson after the power of attorney was revoked?
MR. MESEREAU: Objection; foundation.
MR. AUCHINCLOSS: It's establishing the foundation. It's a yes or no question.
THE COURT: Well, it calls for hearsay, too. It's a little more complicated than that.
MR. AUCHINCLOSS: Well, I can limit it some more.
THE COURT: Okay.
Q. BY MR. AUCHINCLOSS: When you learned that -- well, let me back up. When did you learn that the power of attorney was revoked?
A. Around the 12th of March.
Q. From?
A. David LeGrand.
Q. Okay. And do you know whether or not that power of attorney, when it was revoked, terminated Mr. Konitzer's employment by Mr. Jackson --
MR. MESEREAU: Objection.
Q. BY MR. AUCHINCLOSS: -- based upon these

conversations with Mr. LeGrand?
MR. MESEREAU: Foundation and hearsay.
THE COURT: All right. I'm going to let you answer that question yes or no. The question is just whether or not you know, not what the result was.
THE WITNESS: Yes, I know.
THE COURT: Then the rest of the foundation would be how does she know that, without telling us the answer.
Q. BY MR. AUCHINCLOSS: Okay. How do you know the answer to that question?
A. Mr. LeGrand told me.
Q. And what did Mr. LeGrand tell you?
A. He told me that the power of attorney had been terminated; that Ronald didn't have any more control over Michael's finances, but that he was still going to continue to do business with him.
Q. When you went and spoke with Jermaine Jackson, can you tell me how that meeting came together?
A. I had been speaking with Rita Cosby from FOX. She suggested that I might want to call Jermaine Jackson because he was very concerned about his brother. She gave Mr. Jackson my telephone number.
He called me. We spoke. He asked if I'd be willing to come and meet with him. And I told him

yes, I would. And I went.
Q. And you expressed concern about some of the team members to Mr. Jermaine Jackson?
A. Yes, I did.
Q. Did you express any other concerns about Mr. Jackson to Jermaine at that time?
A. Yes, I did.
Q. What did you tell him?
A. I expressed concern about his --
MR. MESEREAU: Objection. Relevance; 352; foundation.
MR. AUCHINCLOSS: The full conversation.
THE COURT: Overruled.
THE WITNESS: I expressed concern about Mr. Jackson's financial situation.
Q. BY MR. AUCHINCLOSS: In what respect?
A. Um --
MR. MESEREAU: Objection, Your Honor. The Court's ruling.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did Mr. Jermaine Jackson indicate whether or not he was close to his brother during this conversation?
A. I don't think he ever said he was close to his brother, but he didn't say he was distant either. He indicated great concern about his brother.
Q. Did he indicate whether or not he had

communications with his brother?
A. Yes, he did.
Q. You also mentioned that Mr. Konitzer and Mr. Weizner had a history of bad business decisions.
A. Yes.
Q. What did you base that on?
A. Information from David and information that I'd read in the press.
Q. Okay. And as far as these bad business deals that you had read about in the press, can you give me an approximate time frame as to when these things were published?
A. No. I'm sorry, I can't. They were -- some of them were before my employment with Mr. Jackson --
Q. Okay.
A. -- and some of them after.
Q. It was published in the press, these bad business dealings?
A. Yes.
Q. Did you, in your dealings with Mr. Schaffel, ever receive any information from him, direct information from him, that he intended to hurt Michael Jackson?
A. Never.
Q. What about with Mr. Konitzer?
A. No.
Q. Mr. Backerman?

A. No.
Q. Mr. Geragos?
A. No.
Q. Or Mr. LeGrand?
A. No.
Q. Did you ever have any information that they intended him any malice, this group of people? Well, that's compound.
MR. MESEREAU: Objection.
MR. AUCHINCLOSS: I'll strike that.
Q. Your assessment that they were hurting Michael Jackson, is that based on your professional experience in the public relations field as far as what was going on, or based on something else?
A. It was based on what I saw in the public relations side, the lack of action.
Q. You felt that the hunker-down approach was all wrong here?
A. Yes, I did.
MR. AUCHINCLOSS: Your Honor, there's two areas that I feel are relevant at this point regarding Mr. Schaffel and Mr. Malnik concerning the cross-examination. However, I don't want to go into these areas without the Court's permission.
THE COURT: All right. Counsel want to approach?
(To the jury) That means you can talk. Not only that, you have to talk.

(Discussion held off the record at sidebar.)
THE COURT: All right. Thank you for talking.
Counsel, proceed.
MR. AUCHINCLOSS: Thank you.
Q. Ms. Kite, with respect to the public relations problems associated with Mr. Jackson that you've identified, the fires specifically - and I'm talking only about issues that had made their way into the media - was there any negative PR associated with Mr. Jackson specifically regarding Marc Schaffel?
A. Yes, there was.
Q. What was it?
MR. MESEREAU: Objection.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: You may answer the question.
MR. MESEREAU: Your Honor, the basis is hearsay; 352.
THE COURT: The hearsay objection's overruled. The 352, again, if you're talking about undue use of time, it's overruled.
This is more evidence, though, it's more evidence that isn't being offered for the truth of the matter asserted. The witness has testified that she was trying to help put out fires - for lack of a better word, I'll use that word - concerning Mr.

Jackson, and then there was some cross-examination. And I've now agreed to let the attorney cover two more areas that she might -- or she'll testify. We'll see what she testifies to about those things.

MR. MESEREAU: We object on foundation also, Your Honor.

THE COURT: Huh?

MR. MESEREAU: We object on foundation also.

THE COURT: All right. Go ahead.

Q. BY MR. AUCHINCLOSS: So I think you previously testified you researched the Internet, you researched the news services, television, et cetera, correct?

A. Yes.

Q. Based on that, what specific problem did you identify involving Mr. Jackson's association with Marc Schaffel?

MR. MESEREAU: Vague as to time, Your Honor.

MR. AUCHINCLOSS: I'll be specific.

Q. As to during this month of February in 2003.

A. David told me, and I discovered, that Mr. Schaffel -- am I allowed to say?

THE COURT: Yes.

Q. BY MR. AUCHINCLOSS: Let's focus specifically on what came out in the media during that month.

A. What came out in the media during that month was that Mr. Schaffel was a gay pornography

producer.
Q. All right. And let's move on to the -- and did you perceive that as a negative public relations association?
A. With respect to Mr. Jackson, yes, absolutely.
Q. Let's move on to Mr. Malnik. Was there any negative -- same question. Based upon all your review of the different news services, was there ever any negative public relations issues presented in the media by virtue of Mr. Jackson's association with Al Malnik?
A. Yes, there was.
Q. And what was that?
A. There were --
Q. Speaking about the month of February 2003 again.
A. There was articles about Mr. Jackson's association with Mr. Malnik as he was reputed to be a known mobster.
MR. AUCHINCLOSS: All right. Thank you. I have no further questions.
MR. MESEREAU: Yes, sir.
THE COURT: Any cross?

RECROSS-EXAMINATION

BY MR. MESEREAU:
Q. Ms. Kite, you have no knowledge whatsoever

that Mr. Jackson has ever been involved in anything related to gay pornography production?
A. No, sir, I don't.
Q. And you have no information of Mr. Jackson himself ever being involved in mobster-type activities?
A. No, sir, I don't.
Q. In fact, you were repeatedly complaining, "You've got to get these people away from Mr. Jackson"?
A. Absolutely, I was.
Q. And you complained they were exploiting him, correct?
MR. AUCHINCLOSS: Objection. Vauge as to who "they" are. Argumentative as to the word "exploiting."
THE COURT: Overruled. You may answer.
THE WITNESS: Can you read it back? I'm sorry.
THE COURT: Yes.
(Record read.)
THE COURT: I think the answer came in before the objection, but I overruled the objection.
Q. BY MR. MESEREAU: And you went to Mr. Jackson's mother's home, and you met with Jermaine and his mother to tell them that these people were taking advantage of Mr. Jackson, and Mr. Jackson appears to be nowhere to be seen, right?

A. I went to tell them that I was concerned about the association between these people and Mr. Jackson, yes, I did.

Q. And you never saw these people with Mr. Jackson, did you?

A. No, sir, I did not.

MR. MESEREAU: Thank you. No further questions.

MR. AUCHINCLOSS: Nothing further.

THE COURT: Thank you. You may step down.

Is this witness excused?

MR. MESEREAU: Yes, Your Honor.

THE COURT: You're excused.

Call your next witness.

MR. SNEDDON: Do you want to keep going, Your Honor?

THE COURT: What time --

MR. MESEREAU: Your Honor, can we make it subject to re-call?

THE COURT: Excuse me?

MR. MESEREAU: We would like to make the witness subject to re-call.

THE COURT: All right. You're not permanently excused. You may leave, but you may be recalled. Is that all right?

THE WITNESS: Okay.

MR. SNEDDON: Judge, could we approach for just five, ten seconds?

THE COURT: All right.
MR. SNEDDON: I promise it won't be longer than that.
(Off-the-record discussion held at sidebar.)
MR. SNEDDON: Call Al Lafferty, Your Honor.
THE COURT: Come forward. When you get to the witness stand, remain standing. Raise your right hand. Face the clerk.
THE CLERK: Please raise your right hand.

ALBERT LAFFERTY

Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Albert Lafferty. A-l-b-e-r-t, L-a-f-f-e-r-t-y.
THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SNEDDON:

Q. Good afternoon. Good afternoon, Mr. Lafferty.
A. Good afternoon.
Q. How are you employed?
A. I'm employed by the Santa Barbara County Sheriff's Office.

Q. How long have you been a deputy sheriff?
A. 18 years.
Q. And directing your attention back to November of 2003, okay?
A. Yes.
Q. What were your duties and assignments at that time?
A. At that time I was assigned to the forensics investigation unit, the criminal investigation division.
Q. Could you just take a moment and explain to the ladies and gentlemen of the jury what that job with the forensics unit involved?
A. It was our job to respond to crime scenes, document those scenes, search for evidence, collect and preserve the evidence, and process any evidence which was within our capabilities.
Q. With regard to November 18th of 2003, did you participate on the execution of a search warrant on Mr. Jackson's ranch at Neverland Valley Ranch?
A. Yes, I did.
Q. And what particular duty assignments were you assigned on that day?
A. I was assigned to shoot video and photographs of the main residence.
Q. Now, was there some significance attached to the manner in which you shot your footage in relationship to the chronology of the events that

day?
A. Yes.
Q. Would you explain that to the ladies and gentlemen of the jury?
A. I was initially tasked with photographing the interior of the main residence before any search had been conducted.
Q. And the purpose for that?
A. To document the scene as it was before anything had been disturbed by any of the searching members.
Q. Now, did you also participate in the production -- or did you also videotape the premises that day?
A. That was my purpose, yes, that was to videotape.
Q. So you did video and not still photography?
A. I did several still photos, but my primary assignment was for video.
Q. And when you did video, were you assigned to a particular location at the ranch premises?
A. Yes, I was.
Q. Would you tell the ladies and gentlemen of the jury where you were assigned?
A. It was the main residence located on the ranch.
Q. Now, were you also assigned responsibility subsequent to that time to take some aerial

photographs?
A. Yes, I was.
Q. And what specifically was your assignment?
A. To document the ranch property, overall views and specific views of the buildings located on the ranch.
Q. And do you recall when you did that?
A. That was on March 2nd of 2004.
Q. And in that connection, were you also assigned to do some research on just some basic information on the location of the ranch?
A. Yes.
Q. And the purpose of that?
A. To be able to identify in the photographs which buildings they were.
Q. Now, were you also -- can you tell us whether or not you were involved in the preparation of an exhibit which was used for purposes of court demonstration, actual map location of the premises --
A. Yes.
Q. -- and the ranch itself --
A. Yes, I was.
Q. -- in relation to other places in Santa Barbara County?
A. Yes.
Q. Could you describe to the ladies and gentlemen of the jury what you did in that

connection?
A. In that connection what I did was use the Microsoft Streets and Map Program, which our unit had at the time, to display a map showing the surrounding area of Santa Ynez Valley and the location of the ranch.
MR. SNEDDON: Your Honor, at this time I've had four -- I'm sorry, Exhibits 4 through 12 marked for identification purposes. I'm going to show them to counsel for their examination. I believe they have a copy of them already, but....
Your Honor, I intend to lay the foundation and ask for their admission. And I want to make sure the procedure's okay with the Court ahead of time and then display what I have here on the board --
THE COURT: That's --
MR. SNEDDON: -- as we go through them.
THE COURT: That's how I would like to do that.
MR. SANGER: Your Honor, I have no objection if it will save time, he can put them on the board and show the witness at the same time, if that's all right with the Court.
THE COURT: Yes, it is. If there's no objection, that would save time.
MR. SNEDDON: Can we move these admitted into evidence at this time, then, Your Honor?

MR. SANGER: In this case, that's fine, Your Honor. We'll do it that way.
THE COURT: In this case, they're admitted.
MR. SNEDDON: In this case, I'll accept it.
Q. All right. Deputy Lafferty, let me just hand you those. And let's start with the first exhibit. Could you indicate what People's Exhibit No. 4 is?
THE COURT: See, what he was suggesting, he agreed they come into evidence, so you could just put them right on the --
MR. AUCHINCLOSS: We have it set up with the computer, Your Honor.
THE COURT: You do.
MR. AUCHINCLOSS: If you could activate the PC button.
THE COURT: The PC button? Okay.
MR. AUCHINCLOSS: It takes a few minutes for the projector to warm up.
THE COURT: It's on, isn't it?
MR. AUCHINCLOSS: It's coming.
MR. SNEDDON: Maybe we could dim the lights.
THE BAILIFF: Do you want all of them dimmed?
Q. BY MR. SNEDDON: All right. Deputy Lafferty, could you explain to the ladies and gentlemen of the jury what People's Exhibit No. 4 is?

A. This is the map I made using the Microsoft Streets and Maps showing the Santa Ynez Valley area, community, and the ranch location.

MR. SNEDDON: Your Honor, may I approach the witness?

THE COURT: Yes.

MR. SNEDDON: Thank you.

Q. All right. I've handed you a little laser pen to help with some of the directions here.

Could you locate, for instance, the town of Solvang on there for us?

A. The City of Solvang is located right here in the lower center portion of the map.

Q. All right. And Los Olivos?

A. Los Olivos is directly north of that. Right in this area.

Q. Right under the word "California"?

A. That's correct.

Q. Now, I notice that towards the top of the exhibit, People's No. 4, and in the middle toward the top is a little red arrow; is that correct?

A. Yes.

Q. Could you indicate to the ladies and gentlemen of the jury what that red arrow -- and could you find it with the laser? There you go.

A. This right here?

Q. Yes. What is that?

A. That's a small push pin used to identify the

entrance location of the ranch.
Q. All right. Let's move to the next exhibit, People's 5, if we could.
With regard to People's 5, it's in evidence, could you tell the ladies and gentlemen of the jury what that is?
A. This is a closer-in view of the area, with the town of Los Olivos being located in the center lower portion of the picture. The yellow line highlights Figueroa Mountain Road as it proceeds north from the town of Los Olivos and ends again at a red push pin indicating the ranch entrance.
Q. All right. Now, let's go to the next exhibit, People's No. 5 -- or No. 6.
Could you explain to the ladies and gentlemen of the jury what People's No. 6 is?
A. This is an overall aerial photograph showing the ranch property.
Q. Now, with regard to the information that's been placed on this exhibit, the writing that's on there in yellow, did you do that?
A. Yes, I did.
Q. And from what sources of information did you put those letters and designations on there?
A. That was information provided by Sergeant Robel and yourself.
Q. You've been to the ranch yourself, though, have you not?

A. Yes, I have.
Q. So you recognize the areas depicted up there, correct?
A. Yeah, that's correct.
Q. Now, with regard to this particular exhibit, People's No. 6, there's an arrow that points back towards Los Olivos?
A. Yes.
Q. And the road just to the bottom on the diagram, that's marked Figueroa Mountain Road?
A. That's correct.
Q. Do you know approximately what the distance is from the gate where it says "ranch entrance" to -- back to, say, where 154 -- Highway 154 is?
A. It's just over five miles.
Q. Could we go to People's No. 7?
Now, People's No. 7 is another aerial photograph that you took?
A. Yes, it is.
Q. And with regard to the designation of the -- of the areas of buildings located on this exhibit, did you put those on there?
A. Yes, I did.
Q. Is that based on your personal information and observations?
A. Yes, it is.
Q. While you were at the ranch?
A. That's correct.

Q. All right. Let's go to the next number, if we could, which I believe is 8?
A. That's correct.
Q. All right. And People's No. 8 is another aerial you took, correct?
A. That's correct.
Q. And with regard to the information placed on there, did you place that information on there?
A. Yes, I did.
Q. And is that information you gathered while you were personally at the ranch on the occasion that you were there?
A. Yes.
Q. Now, I notice on this particular photograph, this particular exhibit, that there's a road that runs in the upper top of the photograph, about in the middle. Do you see that?
A. This road here?
Q. Yes, sir. Do you know where that road goes to?
A. That was the road leading from the main gate entrance on Figueroa Mountain Road that we came in on.
Q. So that's the road that takes you from the main gate to the house?
A. Yes.
Q. And to the areas depicted on this photograph?

A. Yes.
Q. All right. Why don't we go to the next exhibit, then. This is No. 9?
A. That's correct.
Q. And with regard to People's No. 9, did you place the designations on these particular areas?
A. Yes, I did.
Q. And this is another aerial that you took?
A. Yes.
Q. Have you ever been in the theater itself?
A. No, I have not.
Q. All right. Let's go to the next exhibit, which would be People's No. 10. And 10 is just a wider view of 9 but has more information; is that correct?
A. Yes, slightly different angle.
Q. And it just shows the theater and the amusement park?
A. Yes.
Q. All right. Let's go to People's No. 11.
People's No. 11 is another aerial that you took; is that correct?
A. It is correct.
Q. And the designation that's on there is the zoo?
A. Correct.
Q. That's the zoo area, as you know it to be?
A. Yes.

Q. Or at the time you took these photographs?
A. Yes.
Q. All right. I believe there's one last photograph there, Deputy. What is that?
A. This is an aerial view of the train station area.
Q. And that's the -- okay. And that's another -- in this particular photograph, there is a road that runs directly into the train station where the clock is and goes to the bottom of the photograph.
A. Yes.
Q. Do you know where that road leads to?
A. That's the road that leads past the main residence.
Q. Okay. Thank you.
Your Honor, I do have more questions for this witness, but it will take considerably more than the two minutes we have left.
THE COURT: All right. We'll recess for the afternoon.
Court's in recess.
(The proceedings adjourned at 2:30 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 341 through 527 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 2, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 2, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304